



Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Slovakia

Focusing on structural and horizontal preconditions
for successful implementation of the strategy

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of the National Roma Integration Strategy in Slovakia

The report has been prepared by the Centre for the Research of Ethnicity and Culture (Governance and Overall Policy Framework, Antidiscrimination, Education), the Roma Advocacy and Research Centre (Antigypsyism), the Community Centre of Minorities (Case study of Veľký Krtíš), Roma Media – ROMED (Case study of Hlinné), the Association for Culture, Education and Communication, People in Need and Roma Platform.

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Although the Roma Civil Monitor pilot project, as part of which the report was prepared, is coordinated by CEU, the report represents the findings of the author and it does not necessarily reflect the views of CEU. CEU cannot be held responsible for any use which may be made of the information contained therein.

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List of abbreviations

ACEC	Association for Culture, Education and Communication
AI	Amnesty International
Atlas	Atlas of Romani Communities 2013
CCH	Centre for Civil and Human Rights
CCM	Community Centre of Minorities
CPPC	Centre of Pedagogic- Psychological Counselling
CVEK	Centre for the Research of Ethnicity and Culture
CVTI	Centre for the Scientific Information
EC	European Commission
ECHR	The European Court for Human Rights
ERDF	European Regional Development fund
ERRC	European Roma Rights Centre
ESIF	European Social and Investment Funds
ESF	European Social Fund
FRA	Fundamental Rights Agency of the European Union
GPRC	Government Plenipotentiary for Romani Communities
IGO	Intergovernmental organizations
Inspection Section	Section of Control and of Inspection Service of the Ministry of Interior
IROP	Integrated Regional Operational Programme
MESRS	The Ministry of Education, Science, Research, and Sport
MH	The Ministry of Health
MLSAF	The Ministry of Labour, Social Affairs and Family
MPC	Method-Pedagogic Centre
MRC	Marginalized Romani Communities
NCHR	The National Centre for Human Rights
NDI	National Democracy Institute
NGO	Non-governmental organization
OGPRC	Office of the Government Plenipotentiary for Romani Communities
OL'ANO	Ordinary People and Independent Personalities
OSF	Open Society Foundations
OPHR	Operational Program Human Resources
PDR	The Public Defender of Rights
RAVS	Roma Research and Advocacy Centre
RCLF	Research Centre for Labour and Family
RED	Race Equality Directive
REF	Roma Education Fund
RICPP	the Research Institute of Child's Psychology and Pathopsychology
ROMED	Roma Media - ROMED
SaS	Liberty and Solidarity
SDE	socially disadvantaged environment
SNCHR	Slovak National Centre for Human Rights
UNDP	United Nations Development Program

Introduction

Every few years since 1991, more or less each government has prepared yet another strategy addressing the situation of Roma in Slovakia based on their current philosophical outlook on the minority. In the early 1990s, while recognizing Roma as a national minority, the drafters, however, largely influenced by the previous communist approach, believed that the minority was in need of some kind of “civilization” and assimilation. In the early 2000s, the experts working in this area at the government office believed in integration, the principle of equal opportunities and positive or affirmative action in framing the approach. But in 2008, the new government brought back the 1990s perspective with the vocabulary around “civilization”.¹

The Decade of Roma Inclusion Initiative as well as the EU Framework for National Roma Integration Strategies helped Slovakia to firmly set path towards Roma integration, at least in main policy documents. Relevant policy documents have abandoned the problematic framing of Roma as the object of “civilization” attempts. These international and European efforts furthermore contributed to bringing data and measurable objectives into the policymaking. Despite relatively slow progress overall, we can nevertheless trace palpable results, mostly through several active municipalities and through the projects of NGOs. Additionally, at least in areas such as housing, health and employment, we can see efforts of the action plans of the NRIS to scale up successful local municipal or NGO-run projects using European Social and Investment Funds (ESIF). As we argue throughout the report, still significant efforts must be invested into actual implementation of plans into practice in all areas. Moreover, in the area of non-discrimination, especially when it comes to maltreatment by police, residential segregation and segregation in education, there appears to be limits even in the state recognition of troubling practices as a precondition for any meaningful action.

The report has been prepared by a consortium of seven Roma and pro-Roma NGOs drawing on desk research, academic literature and available data, as well as 30 semi-structured interviews with key stakeholders such as ministerial officials, mayors, directors of kindergartens, regular and special schools, NGOs, local activists, police specialists, members of the parliament, experts, and Romani and non-Romani parents. In addition, we have gathered evidence of practice gathered through 25 memos submitted by grassroots activists, health mediators and field social workers on the key issues raised in the report such as special schooling of Romani children, early childhood education, discrimination, political participation or the use of European funds. The report thus builds on mapping from 20 localities, that is, towns and municipalities of different sizes with Roma communities experiencing varying degrees of Roma exclusion and covering the east, north, central, west and south parts of Slovakia.

¹ See e.g. in Jarmila Lajčáková, *Implementation of the National Roma Integration Strategy and Other National Commitments in Field of Health Slovakia: A multi-stakeholder perspective report on 2005-2014 developments* (Brussels: IOM, 2015) at 38 ff, online at: http://equi-health.eea.iom.int/images/NRIS_Slovakia_Final.pdf

Executive summary

The report focuses on the structural and horizontal preconditions for the successful implementation of national integration strategy in Slovakia: governance and overall policy framework, fighting discrimination, addressing antigypsyism and education. The report also includes case studies of two localities to illustrate the potential and limits of Slovakia's Roma inclusion policies in practice.

The report notes that despite relatively slow progress overall, we can trace palpable results, mostly through several active municipalities and through the projects of NGOs. Additionally, at least in areas such as housing, health and employment, we can see the efforts of the action plans of the NRIS to scale up successful local municipal or NGO-run projects using ESIF funds. As we argue throughout the report, nevertheless, significant efforts must be invested into actual implementation of plans into practice in all areas. Moreover, in the area of non-discrimination, especially when it comes to maltreatment by police, residential segregation and segregation in education, there appears to be limits even in the state recognition of troubling practices as a precondition for any meaningful action.

Governance and overall policy framework

The first chapter reports on positive legislative efforts of the state authorities to curb election bribery that exploits the poverty of Roma communities. Still, our mapping indicates that bribery remains a rather widespread practice. The recent perjury convictions of several Romani witnesses from Lomnička who indeed reported the political bribery prior to the parliamentary elections in 2016 further decrease not only the willingness of the Roma who report this practice but also participation in the elections.

We see, however, a notable increase of Roma competing in national, regional and local elections as well as successful candidates, especially for municipal councillor and mayoral positions. At the national level, Romani candidates are more likely to succeed if placed at the top positions of the candidate list of mainstream political parties. Monitoring in our localities indicated that Roma are generally more interested in local elections and topics such as housing and employment.

There is general improvement in the governance of Romani issues, especially through the work of the Government Plenipotentiary for Romani Communities (GPRC). This office represents one of the most salient participatory institutions for Roma. Still, in terms of prevalent political discourse, several mainstream political parties, including the governing SMER-SD and the leading opposition SaS, with their political proposals continue to free ride on the populist wave, in competition with the extreme right party Kotleba-ĽSNS. We note, however, that law enforcement authorities have increased their efforts to investigate crimes of hate speech, even those committed by members of parliament (MPs).

The effective use of ESIF funds remains an enormous challenge for Slovakia. We can note efforts to scale up successful local municipal or NGO-run projects using ESIF funds. Yet, it appears that the design of the main operational programme Human Resources (OPHR) that has almost 400 million EUR earmarked for Roma inclusion, is problematic in practice, causing major delays in drawing funds.

Also, relevant state policies could be reinforced by the mainstreaming of the perspective of vulnerable minorities within the minority such as women, children, people with disabilities or LGBTI.

Antidiscrimination

The chapter on antidiscrimination argues that Slovakia has done well in transposing the Racial Equality Directive (RED). RED provides especially NGOs with opportunities to pursue strategic litigation cases to defend the rights of the Roma. Yet, NGOs often face very slow court proceeding and sometime even problematic interpretation of antidiscrimination

legislation by the courts. Institutional setup to tackle discrimination, specifically the Slovak National Centre for Human Rights (SNCHR), Slovakia's Equality Body, should be significantly reinforced as well.

The chapter furthermore illustrates how municipalities and even state policies abuse the poverty of the Roma, amounting to indirect discrimination. Spatial segregation and forced evictions remain a challenge that should be more comprehensively addressed as well.

In its final part, the chapter raises concern over the reoccurring cases of police brutality targeting Romani communities. Victims and witnesses in one of the most notorious raids in Moldava nad Bodvou, have recently been accused of perjury on the basis of an expert report that builds on a notion of a Roma mentality making Roma less trustworthy and reliable. These cases furthermore show that there is an imminent need to set up an independent institution to investigate police maltreatment.

Antigypsyism

While Slovakia's relevant policy documents do not explicitly recognize the concept of antigypsyism, the NRIS action plan in particular is focused on non-discrimination and communication towards the majority population and contains measures that have the potential to address it. The chapter also presents that one of the most positive steps in terms of symbolic policies towards the Roma has been the recognition of the Roma Holocaust by the Slovak government.

The chapter notes positive legal development in relations to the enforcement of hate crime and hate speech. In 2016, the Ministry of Justice responded to the low rate of prosecution and legal enforcement of hate crime through an amendment of the Criminal Act that parliament passed with entry into force on 1 January 2017, transposing the *Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law*. The new amendment reinforces several provisions concerning hate crimes (e.g., inciting hatred, hate speech, establishing extremist movements) that are all classified as crimes of extremism. To improve the enforcement of this new legislation, the Ministry of the Interior set up a special antiterrorist unit in February 2017 with the powers to investigate crimes of extremism within the institutional structure of the National Crime Agency. As of 1 January 2017, crimes of extremism also started to fall within the competences of the Special Criminal Court.

One of the most visible positive examples of political communication of issues relating to Roma exclusion has been presented by President Andrej Kiska, who rejected the rhetoric that frames Roma as a problem. Similarly, Most Híd and chair Béla Bugár used sensitive language in describing the situation of Roma, rejecting the restrictive measures proposed by Prime Minister Robert Fico that explicitly linked the term "gypsies" with "freeloaders".

The report does note significant improvements in the media portrayal of Roma in recent years. In terms of public programs and initiatives forming narratives about the Roma, it was, however, almost exclusively NGOs and independent think-tanks that have been delivering the most positive palpable contributions. In the upcoming period, tasks of the action plan of the NRIS on non-discrimination promise to more robustly work on this agenda.

Impact of mainstream education policies on Roma

The final chapter captures some of the positive trends in education, especially in the area of preschool education. While Slovakia still lags behind its neighbours in terms of pre-schooling of Roma, at minimum, there is a proposal to introduce one compulsory year of pre-schooling and an approved new subsidy for poor children enrolled in kindergartens from the age of three.

However, as the chapter discusses in detail, segregation of Romani children in education remains a systemic and deliberate practice. Moreover, segregation extends to secondary

schools through so-called branches of vocational schools set up next to settlements. The Ministry of Education, Science, Research and Sport (MESRS) continues to argue that segregation is incidental. Still, the MESRS has adopted some measures to respond to the EC infringement procedure for the violation of the RED initiated in 2015. The report's evaluation of the impact of these policies on practice argues that the only positive measure has been the appointment of Viera Kalmárova as the Main State School Inspector in March 2015 with reinforced powers to oversee diagnostic centres. Kalmárova, for the first time in the history of the office, identified practices of segregation – both spatial or through special schooling. Yet, the remainder of the legislative and financial measures likely never even had the intention to address segregation in practice, further deteriorating situation of already segregated education of Romani children.

The chapter also notes that Romani children from disadvantaged communities are at significantly greater risk of experiencing failure as early as in the first grade. In regions with a high share of Roma, 20 to 30% of first graders repeat the first grade, and many barely make it into the final ninth grade. The only assistance offered to disadvantaged schools is via wide-scale national projects funding extra staff and some teacher training and extracurricular activities from the ESF, however, with no impact on desegregation. In fact, the state has no plans on how to prevent ongoing white flight, govern desegregation or support the transition of Romani children from segregated to integrated schools as illustrated through the case study of the town of Žilina, which recently closed a segregated school.

Case Studies

The two case studies illustrate examples of systematic and long-term positive efforts of municipal leadership (Hlinné) and of grassroots NGO (Veľký Krtíš). Both case studies illustrate that meaningful implementation of the NRIS requires joint efforts of municipalities, state administration and ideally of civil society. Moreover, the case studies illustrate that implementation of the NRIS and the use of available state or ESIF funds for Roma inclusion is truly left to the good will of municipalities. In Veľký Krtíš, a mid-size town in southern Slovakia with a share of Roma at around 13 percent, we show how an NGO's systematic efforts can work over the long term under the conditions of a colour-blind or rather indifferent municipal leadership. The Community Centre of Minorities (CCM) enormously empowered Roma in securing and improving the quality of their housing. However, housing mobility from a separated area into the mixed neighbourhoods of the town remains out of reach for a disadvantaged Roma. Also, without more robust efforts from the state administration especially in education, it will not be possible to more effectively address the cycle of exclusion reinforced especially via the local special school. In Hlinné, a mid-size village in eastern Slovakia with the share of Roma at 60%, by contrast, we present decades of efforts of the municipality to improve the quality of housing. In this case, we argue that without involvement of the state administration in the area of education to address practices of segregation in education, also Roma living in Hlinné have limited chances for vertical mobility.

Governance and overall policy framework

Representing the interests of Roma represented in the parliament

The level of Roma active political participation has received little academic attention. Per earlier studies, Roma's active participation in elections is generally only slightly lower than in the case of the majority population, sharing similar patterns of political preferences. Their participation is rather high in the case of communal elections and decreases in regional, parliamentary or European elections.¹ More active campaigning targeted at marginalized Romani communities (MRC) at the local level, including unethical behaviour, increases their turnout.²

Poverty and the struggle for survival makes Roma vulnerable to predatory politicians exploiting this situation and buying votes for cheap gifts.³ Interviewed Romani grassroots activists have underlined that the Roma's participation differs from one village to another. Several activists believe that passivity and hopelessness among excluded Roma prevent them from being more active in political life in their villages. However, they concur that even Roma from the poorest areas follow political developments in Slovakia, especially developments relevant for employment, education and housing.⁴ Activist and journalist Jarmila Vaňová, one of those interviewed, noted that marginalized Roma have "*lost the faith to have a better life*". In her view, Roma have somehow lost the trust that once certain political parties or specific candidates win, they will deliver on any of their pre-election promises. Politicians simply take advantage of poverty, vulnerability and the very low awareness about their political and citizenship rights.⁵

Three elections took place (parliamentary, local and European) in 2010, marking, as some have noted, the peak of electoral corruption. At that time, those facilitating political corruption required individuals to show all the remaining party ballots "as proof". State authorities responded to these allegations with several measures seeking to reduce instances of corruption prior to the following elections. First, Act No. 180/2014 setting up the conditions for the exercise of voting rights has been amended to ensure that unused electoral ballots are left in a sealed box in the voting room.⁶ Second, the parliament amended the Criminal Act to define a new offence: 'Electoral Corruption'. Electoral corruption is punishable with a jail sentence and criminalizes those offering bribes, requesting or receiving them as well as for those who serve as intermediaries in electoral corruption.⁷ Some attorneys have pointed out difficulties enforcing electoral corruption in practice.⁸ Grassroots activists concur, claiming that buying Romani votes has remained a common practice. Vaňová compares this practice to usury. Politicians have "their contacts" in the settlement who secure votes. Everyone in the community knows "who they are". Yet, people are worried to report such behaviour, similarly to usury. Typically, politicians

¹ Michal Vašečka, "Rómovia a politická participácia" in Jurásková Martina et. al (Bratislava: IVO, 2002) at 20, Jana Rybová, "Rómska politická participácia" in NDI *Záverečná správa z výskumu NDI* (Bratislava: NDI, 2005) at 14. For the preparation of this report, we have also gathered information from 20 diverse localities across Slovakia arriving at the same findings.

² Tomáš Hruštič, "Prehľad rómskej politickej participácie na Slovensku" In Tatiana Podolinská and Tomáš Hruštič (eds.) *Čierne biele svety* (Bratislava: VEDA, 2015) at 127.

³ Linda Stern and Tomas Hrustic, *Ethnic Minorities and Political Mainstreaming. Summary report from Participatory Analysis Sessions* (NDI, 2015) online at <https://www.ndi.org/sites/default/files/Roma%20Summary%20Report.pdf>

⁴ Memo on political participation prepared by ACEC for this report.

⁵ Memo on political participation prepared by ROMED for this report.

⁶ Paragraph 24 (10) of Act No. 180/2014 Coll. Setting up the Conditions for the Exercise of Voting Rights, as amended.

⁷ Act No. 300/2005 Coll. Criminal Code, para 336a (the electoral corruption was included in the Code pursuant to the act no. 266/2011 Coll. Amending the criminal code) with entry into force on 1 September 2012.

⁸ Bohdana Kušvarová, "Trestný čin volebnej korupcie", blog, online at: <https://www.petranova.sk/sk/blog/2/trestn-in-volebnej-korupcie>

offer 5 euros per vote, groceries, clothes, wine and other forms of alcohol, animals for consumption, sweets for children or, on one occasion, even wooden boards.⁹ Aside from bribery, Vaňová mentions instances of blackmailing where mayors have threatened that people with “undesirable political preferences” will not be offered a place in public activation work, which pays 63 euros a month.¹⁰ Indeed, this high level of autonomy in municipalities creates an opportunity for local governments and mayors to punish criticism through regulating access to diverse active labour policies such as activation works or participation in EU-funded projects.

In fact, recent treatment of Romani witnesses reporting political corruption may even further discourage the reporting of electoral corruption. In Slovak Television’s report in late 2016, several witnesses confessed that Roma had received cigarettes through an intermediary to preferentially vote for two candidates of the SMER-SD party: Stanislav Kubánek and Peter Chudík in the 2016 parliamentary elections in Lomnička.¹¹ Indeed, both Kubánek and Chudík received an unusually high share of preferential votes in a locality that they had never visited. Kubánek won 306 and Chudík 324 preferential votes out of the 500 valid votes cast in the election for all parties. The incumbent prime minister and the party leader received only 270 preferential votes¹². In another nearby village of Rakúsy, which also has a high share of Roma,¹³ Kubánek and Chudík also received a relatively high share of preferential votes (154 and 143, respectively, out of 813 votes cast in the election for all parties). All the votes were cast in an electoral district where only Roma live. In a district where non-Roma live, the incumbent prime minister Fico won, winning overall only 105 votes.¹⁴ Reacting to the TV report, the police started a criminal investigation while confronting the witnesses with the alleged intermediary. Right after the confrontation, seven Romani witnesses changed their testimonies, suggesting that they had made up their accusations.¹⁵ The Roma witnesses who accused politicians of buying votes in Lomnička were charged with perjury and agreed to settle with the public prosecutor, admitting their guilt.¹⁶ In the most recent regional elections, which took place on 11 November 2017, Lomnička recorded the lowest turnout, reaching merely 5%, while the country average was at around 30%. In a TV report, Roma interviewed expressed their fear to even go to the elections as they did not want to have any troubles with police.¹⁷

There is no formal mechanism ensuring that Roma are represented in the parliament. The parliamentary committee on human rights also includes the agenda of minority rights. However, the current committee expressed limited concerns about Roma rights, ignoring, for instance, the blaming and criminalization of the victims and witnesses of the political

⁹ Memo on political participation prepared by ROMED for this report.

¹⁰ According to the current legislation, recipients of welfare (support in material need) may participate in so-called activation works for additional approximately 63 EUR a month. The municipality may require that welfare recipients participate also in small communal works in exchange for the basic welfare. Paragraphs 10 sec 3 and 12 of the Act No. 417/2013 Coll. on the Support in Material Need, as amended. This requirement does not apply uniformly, but only to those that “are offered” work. These situations make welfare recipients vulnerable to selectively choose participants.

¹¹ All the residents of Lomnička are Romani. *Atlas rómskych komunít na Slovensku 2013* (UNDP: Bratislava, 2013), online at: https://www.minv.sk/?atlas_2013

¹² Detailed results of the 2016 parliamentary elections prepared by the Slovak Statistical Office, online at: <http://volby.statistics.sk/nrsr/nrsr2016/sk/download.html>

¹³ The share of Roma living in Rakúsy is 78.8% percent. *Atlas rómskych komunít na Slovensku 2013*, *supra* note 11.

¹⁴ Results of the 2016 Parliamentary elections, *supra* note 12, Rudolf Sivý and Ján Kuciak, “Kauza kupovania hlasov: polícia obvinila Rómov, ktorí svedčili”, *aktuality.sk*, 14 November 2016, online at: <https://www.aktuality.sk/clanok/390464/zvrat-v-kauze-kupovania-hlasov-policia-obvinila-romov-ktori-svedcili/>

¹⁵ Sivý and Kuciak, *ibid.*

¹⁶ See FB post of the Slovak Television, online at: <https://www.facebook.com/spravy.rtvsk/videos/1744664275794387/>

¹⁷ Please see item on main news of the Slovak TV, broadcasted on 6 November 2017, online at: <http://www.rtvsk/televizia/archiv/11580/140541#338>

bribery mentioned above and the police raid in Moldava nad Bodvou in 2013 discussed in the antidiscrimination chapter.¹⁸

In the currently elected parliament, there is no Roma member of the parliament (MP). However, one of the MPs, Ondrej Dostál (Civic Conservative Party), as a symbolic gesture, declared belonging to the Romani minority. Dostál believed that such symbolic gesture would show that Roma are a salient and integral part of Slovak society.¹⁹ In Dostál's view, however, it is critical to support Roma to build their political representation – not necessarily through special representation rights, but rather by dropping the 5 percent threshold for ethnic political parties to enter the parliament or by placing Romani candidates on electoral lists on positions with real chances to be elected, not merely as a token as is the current practice.²⁰

We have nevertheless witnessed a steady increase in the number of Romani candidates placed on the electoral lists of mainstream political parties, especially since 2010. They have typically been placed in in the running for positions to which they had very limited chances of being elected.²¹ Romani political participation has significantly improved at the local level. In the most recent municipal elections in 2014, per estimates of the National Democracy Institute (NDI), approximately 400 Romani candidates succeed in becoming local councillors in 140 municipalities and 34 were elected as mayors, although mostly in very small villages.²² Vaňová believes that Roma would be even more successful if the frequent political manipulation (often by non-Romani mayors) was somehow addressed. She mentioned instances when mayors purposely encouraged some Roma to compete for councillor positions in order to dilute the Romani vote for their relevant opponents.²³ The NDI stressed that the major discrepancy regarding the political participation of Romani women remains. The gap is even larger than in the case of non-Romani male vs. non-Romani female candidates.²⁴ In the most recent regional elections of November 2017, there were 47 Romani candidates for councillors of regional assemblies. Only five of them were female. None of the Romani candidates succeeded.²⁵

More generally, aside from the coalition MOST/Híd party, which is responsible for the Roma agenda in the government, the OĽANO (Ordinary People and Independent Personalities) party has occasionally advocated for Roma inclusion, particularly for compulsory preschool education for socially disadvantaged children from the age of three. The party has also criticized electoral corruption and failure to investigate cases of police violence against Roma.²⁶

There is a general tendency of some parties, in particular the strongest opposition party SaS (Liberty and Solidarity), to somewhat 'compete' in radicalism with the extreme right-wing party Kotleba - ĽSNS (Kotleba – People's Party Our Slovakia), led by, as president Andrej Kiska indeed noted "fascist", Marián Kotleba.²⁷ Most recently, Richard Sulík of the SaS party announced their Roma Reform on social networks from a large Roma settlement

¹⁸ Veronika Prušová, "V posudku o Rómoch píšú, že majú mentalitu romica. Advokát sa pýta, čo sú to za termíny", denník.sk, 17 September 2017, online at: <https://dennik.sk/882482/v-posudku-o-romoch-pisu-ze-maju-mentalita-romica-advokat-sa-pyta-co-su-to-za-terminy/>

¹⁹ Interview with Member of the Parliament Ondrej Dostál prepared for this report on 25 September 2017.

²⁰ *Ibid.*

²¹ Tomáš Hruštič, "Záleží na nás ako sa dohodneme." Prehľad rómskej politickej participácie na Slovensku (1990-2014)", Tatiana Podolinská and Tomáš Hruštič (eds.) *Čierne biele svety: Rómovia v majoritnej spoločnosti na Slovensku* (Bratislava: Veda, 2015) at 121-124.

²² *Ibid.*, see also Memo on political participation prepared by the Roma Platform for this report.

²³ Romed memo, *supra* note 9.

²⁴ Hruštič 2015b, *supra* note 21 at 131-139.

²⁵ Information provided by National Democratic Institute in Slovakia, on 15 November 2017.

²⁶ Please see political statements of OĽANO party online at: <http://www.obycajniludia.sk/?s=romovia>

²⁷ "Prezident Kiska označil Kotlebu za fašistu", webnoviny. sk, 7 April 2016, online at: <https://www.webnoviny.sk/prezident-kiska-oznacil-kotlebu-za-fasistu/>

in Veľká Lomnica, pointing out the disproportionately high number of Roma children born yearly and proposing free sterilization for women above the age 35 after having their third child as one of the measures.²⁸ Their 'Roma Reform' issued later is based on a rather radical workfare approach targeting people living in geographically defined, socially excluded communities.²⁹ Kotleba - ĽSNS has reacted by suggesting that SaS in fact copied their political programme. Kotleba - ĽSNS' party member and MP Milan Uhrík, remarked on SaS's proposal of sterilization of Romani women as well as recent proposals of the Ministry of the Interior to tackle 'Roma criminality': *"we are very pleased that not only politicians, but also more and more people are adopting our political programme."*³⁰

With the exception of the recent regional elections, the support of the extremist political movement appears to be on rise.³¹ Coming from a marginal political entity, Marián Kotleba, a former high school teacher and a long-standing advocate of the Slovak fascist state, gained a rather unexpected victory by being elected head of the Banská Bystrica Higher Territorial Region in 2013.³² This was followed up by the success of ĽSNS in the parliamentary elections in 2016, gaining 8% support.³³ Kotleba - ĽSNS has an openly antigypsyist, antisemitic, islamophobic and xenophobic agenda that is central in their platform.³⁴ Since their entry into parliament, Kotleba - ĽSNS, among others, have dispatched their own security guards to protect "orderly" citizens from Roma. Despite the parliament outlawing such activities as of 1 January 2017,³⁵ Kotleba - ĽSNS has continued in its activities.³⁶ It is notable that in the most recent regional election of 11 November 2017, Marián Kotleba lost his position as head of the Banská Bystrica Higher Territorial Region. Moreover, the Kotleba - ĽSNS party, which nominated 337 candidates for councillors of regional assemblies, gained only two seats out of the 416 seats in all seven regions.³⁷

The police recently raised charges against three MPs, including Marián Kotleba, for hate speech and fascist propaganda.³⁸ In May 2017, the attorney general submitted a proposal

²⁸ Richard Sulík, "Hystéria okolo bezplatných a dobrovoľných sterilizácií", blog at dennikn.sk, 28. September 2017, online at: <https://dennikn.sk/blog/hysteria-okolo-dobrovolnych-a-bezplatnych-sterilizacii/>

²⁹ The Roma Reform proposal presented in November 2017, online at: <http://www.sas.sk/svs>

³⁰ Milan Uhrík, "Vyjadrenie k riešeniu tzv. rómskeho problému, ktoré navrhuje SaS", public statement of 14 November 2017, online at: <https://www.youtube.com/watch?v=XVXnr1SoDgE&feature=share>

³¹ Please see in more detail on the rise of extremists in Slovakia in Grigorij Mesežnikov and Oľga Gyarfašová, *Súčasný pravcový extrémizmus a ultranacionalizmus: Stav, trendy a podpora* (Bratislava: IVO, 2016), online at: http://www.ivo.sk/buxus/docs/publikacie/subory/Sucasny_pravcovy_extremizmus_IVO.pdf

³² "M. Kotleba sa stal novým županom BBSK", TASR, 23 November 2013, online at: <http://www.teraz.sk/regiony/volby-vuc-vysledky/65567-clanok.html>

³³ See e.g. "Parlamentné voľby 2016 – výsledky", sme.sk, 6 March 2016, online at: <https://volby.sme.sk/parlamentne-volby/2016/vysledky>

³⁴ Please see information about Kotleba - ĽSNS party activities online at: <http://www.naseslovensko.net>

³⁵ "Kotlebove hliadky vo vlakoch skončia", TASR, 25 October 2016, online at: <https://domov.sme.sk/c/20366938/kotlebove-hliadky-vo-vlakoch-skoncia.html>

³⁶ Matúš Burčík, "ĽSNS šíri hoax o znásilnení vo vlaku. Usvedčili ho železnice aj polícia", sme.sk, 15 February 2017, online at: <https://domov.sme.sk/c/20460430/kotlebovci-siria-hoax-o-znasilneni-vo-vlaku.html>

³⁷ "Voľby do VÚC: výsledky", sme.sk, online at: <https://volby.sme.sk/volby-vuc/2017/vysledky?ref=menu>

³⁸ Peter Kapiták, "Polícia obvinila poslanca ĽSNS, opozícia ju kritizuje", sme.sk, 27. April 2017, online at: <https://domov.sme.sk/c/20519309/policia-zasahuje-u-kotlebovcov-v-parlamente-prehľadava-mizikovu-kancelariu.html>, Tomáš Kysel, "Elitní policajti z NAKA začali trestné stíhanie pre výroky Mazureka", aktualita.sk, 16 March 2017, online at: <https://www.aktuality.sk/clanok/424507/elitni-policaisti-z-naka-stihaju-kotlebovho-poslanca-mazureka/>, Daniel Forgács, TASR, "NAKA začala trestné stíhanie vo veci prečinu prejavu sympatie k hnutiu smerujúcemu k potlačeniu základných práv a slobôd podľa trestného zákona", teraz.sk, 3 May 2017, online at: <http://www.teraz.sk/slovensko/policia-zacala-trestne-stihanie-v-pr/257763-clanok.html>

with the Slovak Supreme Court to dissolve the ĽSNS party for having extremist and fascist tendencies. The court's ruling is pending.³⁹

Mainstreaming of Roma inclusion across ministries and other public authorities at the national level

The quest for optimal and effective governance of Roma inclusion has been much disputed. Since the late 1990s, Slovakia has followed a model that shared the governance among a central coordinating body – currently the Office of the Government Plenipotentiary for Romani Communities (OGPRC), which has expertise in the area – and ministries responsible for key relevant agendas. The administrative placement of the OGPRC, which has changed its name over the years, have been shifted several times from the auspices of the government office in 2004 to the auspices of the Deputy Prime Minister for Human rights to the office of the Prime Minister in 2010 and finally in 2012 to the Ministry of the Interior.

The OGPRC is a coordinating and advisory body in Roma inclusion that can propose or comment on policies and laws, but only through the Ministry of the Interior as the Government Plenipotentiary for Romani Communities (GPRC) is not a member of the cabinet. During the current programming period, the OGPRC has also become a beneficiary of some of the national projects from the European Structural and Investment Funds (ESIF).⁴⁰ Unlike during the previous programming period of 2007-2013, the OGPRC is now not substantially involved in the planning and management of all EU funding for Roma. During 2007-2013, the OGPRC was responsible for the coordination and monitoring of the horizontal priority Marginalized Roma Communities and a special territorial scheme of implementation of EU funding – the so-called “Comprehensive Approach”.⁴¹

The OGPRC has been traditionally led by a Roma, except for a couple of appointees; one of them is the incumbent plenipotentiary Ábel Ravasz. In 2012, the OGPRC was for the first-time led by an active politician, Peter Pollák, who was simultaneously also an opposition MP for the OĽANO party. Ravasz, who replaced Pollák in 2016, has also been a deputy chair of the coalition Most/Híd Party. Since its inception in 1999, the OGPRC has always tried to gather experts working in the area to build expert capacities to prepare relevant inclusion policies. Since the instalment of Ravasz as GPRC, this shift to build a strong expert body is particularly visible as he has recruited a significant number of mainly Romani professionals and experts to work in the office. The share of Roma working for the office as department leaders is high and amounts to about approximately half of all the employees. Moreover, the number of office employees has increased to 90, with only 35 working in the Bratislava office and the rest working in the regional offices.⁴² The impact of the OGPRC in policymaking typically depends on the personality of the GPRC. The incumbent plenipotentiary notes *“This is a specific office as we are not a ministry; however, we have more employees than all other offices of government plenipotentiaries put together (...) we are working with the structures of the Ministry (...) but nobody is really able to tell our competencies. This gives us the relative freedom to fill the office with competencies.”*⁴³ While the GRPC recognizes that the office implements some ESIF funds,

³⁹ Dušan Mikušovič, “Čižnár podal na Najvyšší súd podnet na zrušenie Kotlebovej ĽSNS”, denník.sk, 25 May 2017, online at: <https://dennikn.sk/775198/ciznar-podal-na-najvyssi-sud-podnet-na-zrusenie-kotlebovej-lsns/>

⁴⁰ Jarmila Lajčáková, *Civil society monitoring Report on the Implementation of the National Roma Integration Strategy and Decade Action Plan in 2012* (Budapest: The Decade of Roma Inclusion Secretariat, 2013) at 21. Please see also information about national projects focused on 150 localities with the least developed infrastructural conditions in which Romani communities live discussed at 18-19, below.

⁴¹ Please see in more detail on this approach and its impact, in Andrej Salner et al., *Lessons from Slovakia's Comprehensive Approach: Assessing the Feasibility of Designing and Implementing Integrated Territorial Programs Targeting Marginalized Roma Communities* (Bratislava: Slovak Governance Institute, 2013).

⁴² Interview with the GPRC Ábel Ravasz prepared for this report on 23 October 2017.

⁴³ *Ibid.*

he also believes that this was not necessary seeing the prime role in law and policy preparations and defence of the interests of MRC in the localities.⁴⁴

Yet, mainstreaming of Roma inclusion agenda in work of other central bodies could be reinforced. Relevant ministries – Education, Health, and Labour, Social Affairs and Family in particular, as well as the Ministry of the Environment – have departments addressing issues relevant for Roma inclusion, such as regional education or social services. But we note that their expertise and more generally their commitment to address barriers and discrimination experienced by Roma could improve. It would be particularly welcome if ministries themselves prepare specific measures as they are familiar with processes and content of their agenda. Based on our experience, it is typically the OGPRC that initiates preparation of strategies and action plans, including details tasks for ministries. The Ministry of Education, Science, Research and Sport (MESRS) among others, has become rather notorious for not only rejecting these proposals but also failing to propose alternatives that would deliver integration. Indeed, lacking the full understanding of the various complex sectors such as education, it is relatively easy to reject, question or oppose the GPRC proposals if there is limited willingness of the ministries to tackle Roma exclusion.

While we do not have exact data on the share of Roma in ministerial positions and their roles, based on our experience such positions have been mostly at the level of staff members rather than leaders. A rather notable exception, is the department of gender equality at the Ministry of Labour, Social Affairs, and Family (MSLAF) where the leader of the unit that gestors of the horizontal priority equality of opportunity in the ESIF funds is held by Romani woman.⁴⁵

Most recently, the OGPRC initiated the formation of several of consultative bodies to assist in the preparation and implementation of Roma inclusion policies: one reserved for Romani youth, mayors and NGOs working in the area. These bodies are open to any qualifying applicants (i.e., Roma under 30 years old or representatives of NGOs working in the area that are willing to actively participate at the meetings and agree with their statutes prepared by the OGPRC).⁴⁶

Moreover, recognized national minorities can utilize the Committee on National Minorities and Ethnic Groups, which was set up within the institutional structure of the Government Council for Human Rights and Gender Equality in 2011 to convey their agenda to some extent. Designed as an expert consultative body on issues relating to national minorities, the committee has four Romani members out of 22, representing 13 officially recognized national minorities. Committee members are elected by a minority assembly in a secret ballot composed from any NGO committed to the promotion of Romani culture and identity. Over the years, however, the committee has shown very limited impact, if any, on policymaking relevant for Roma inclusion.⁴⁷

Mainstreaming Roma inclusion across local authorities

Over the last decade, several municipalities have become one of the main drivers and a model of Roma inclusion policies. Municipalities have all the key responsibilities in preschool and primary education, housing, infrastructure and environment as well as in

⁴⁴ *Ibid.*

⁴⁵ Please see more information online at: <http://www.gender.gov.sk/kontakt/>

⁴⁶ Please see calls for applicants at web site of the OGPRC, online at: <http://www.minv.sk/?tlacove-spravy&sprava=urad-splnomocnenca-vlady-sr-pre-romske-komunity-vyzyva-na-nominacie-clenov-do-poradneho-organu-pre-oblast-mladeze> and online at: <https://www.minv.sk/?tlacove-spravy&sprava=urad-splnomocnenca-pre-romske-komunity-vyzyva-na-nominacie-clenov-cleniek-poradneho-organu-pre-oblast-mimovladnych-a-neziskovych-organizacii>

⁴⁷ Please see the Statute of the Committee on National Minorities and Ethnic Groups, as amended on 20 November 2013, online at: http://www.narodnostnemensiny.gov.sk/data/files/4671_statut-vnmes-s-vr.pdf

health. Moreover, some of the most recognized and arguably most advanced municipalities, such as Spišský Hrhov, Raslavice or Ulič, have developed successful models of employment of disadvantaged Roma through municipal firms. These are small to mid-size villages in eastern Slovakia with populations of up to 3,000 people.⁴⁸ In fact, these localities have become models to be followed by others in their strategies of legalization of land underneath settlements, promoting pre-school education, improving housing as well as interethnic relations among its residents. In most of the successful localities studied, mayors have been the main instigators of the positive changes. Successful mayors with pragmatic rather than human rights concerns believed that having a disadvantaged community in their village had a negative impact on the entire village. They could convince the majority population and local councillors not to oppose the integration measures, suggesting that an investment into the Roma community would be beneficial for them as well.⁴⁹

The financing of municipalities is based on several factors, including number of residents, position of the municipality in terms of its elevation, the number of children enrolled in school and residents over the age of 62. The financing scheme does not recognize additional costs that municipalities face with integration programmes targeting disadvantaged communities.⁵⁰ Yet, municipalities with disadvantaged communities can typically draw funds from additional state schemes such as those for low-income housing⁵¹ and in particular, through ESIF funds.⁵² Drawing such funds, however, presents a significant administrative and financial burden for small municipalities with limited staff and resources. Recognizing the limited progress in using EU funds for Roma inclusion, above all in localities with the most disadvantaged Romani communities, designers of the use of ESIF funds for Roma inclusion proposed various simplified cost options to increase the absorption capacity of the funds in these localities.⁵³

Enforcement of duties that municipalities have towards all their residents, especially when it comes to marginalized Roma, remains one of the salient challenges in governance of Roma inclusion. First of all, based on the experience of grassroots NGOs in our consortium, marginalized Roma have limited knowledge about available control bodies with whom they can report cases of discrimination or neglect. Very few cases (up to ten) are reported to the National Centre for Human Rights (NCHR) or the Public Defender of Rights (PDR) yearly.⁵⁴ Moreover, compliance with relevant findings of the Public Defender of Rights in cases of evictions, segregation in education or access to drinking water has been rather

⁴⁸ The New York Times has recently featured the municipality of Spišský Hrhov as a positive example, see in Rick Lyman, "Slovak Village Prospers in Partnership with Roma Residents It Once Shunned", the NYT, 9 September 2017, online at: <https://www.nytimes.com/2017/09/09/world/europe/slovakia-roma-spiisky-hrhov-integration.html>, Miroslav Pollák, "Raslavický starosta je nový Vlado Ledecký", sme.sk, 14 August 2017, online at: <https://komentare.sme.sk/c/20625809/pocet-superstarostov-sa-zvysil-o-100-percent.html>, Alexander Mušínska, *Podarilo sa: Príklady úspešných aktivít na úrovni samospráv smerujúcich k zlepšeniu situácie Rómov* (Prešov: Vydavateľstvo Prešovskej univerzity, 2012). Please see also case studies of Spišský Hrhov, Sveržov, Raslavice, Čičava, Zbudské Dlhé, Nitra nad Ipľou a Ulič prepared by Jarmila Lajčáková for the Roma institute for Mayors Making the Most for EU Funds for Inclusion Awards presented by the European Commission and the OSI in Budapest in 2012 (on file with the author). See also annual nominations for the Roma Spirit Awards presented by the Association for Culture, Education and Communication (ACEC) awarding the most successful municipalities, online at: <http://www.romaspirit.sk>

⁴⁹ Jarmila Lajčáková, "Úspešné obce pri začleňovaní Rómov nestavili na represiu, ale na vytváranie príležitostí", (2012) *Menšinová politika na Slovensku 3* at 3, online at: <http://cvek.sk/wp-content/uploads/2015/10/32012-sk.pdf>

⁵⁰ Daniel Klimovský, "Financovanie obcí v podmienkach Slovenskej republiky", (2013) *Obec a Financie* 5 at 68-70, online at: https://www.researchgate.net/publication/258555677_Financovanie_obci_v_podmienkach_Slovenskej_republiky

⁵¹ Please see the State Fund for Housing Development's grant scheme, online at: <https://www.sfrb.sk>

⁵² Please see on this point in more detail at 21-22, below.

⁵³ Please see on this point in more detail at 21-22, below, as these original plans have been modified.

⁵⁴ Information gathered from the PDR by a phone inquiry on 13 September 2017.

limited.⁵⁵ Also, there is no effective enforcement system in place that would ensure that municipalities responded to the basic needs of all their residents, including Roma, and would ensure that they had access to decent education, housing or even drinking water. In fact, in the recent investigative report of Slovak Television, one of the mayors suggested that the municipality would not provide access to drinking water simply because they did not believe that Romani families living in the village would pay for it.⁵⁶

So far, municipalities, even the successful ones, have had limited practice in promoting meaningful participation of their Romani residents in the design of their local policies. In our experience, Roma are engaged if they have positions as mayors, councillors, field social workers or, in some instances, health mediators. Mayors have often developed informal ties with some Romani families, with whom they communicate or may consult municipal plans; these ties may be selective and exclude the most disadvantaged, vulnerable families or those perceived as “problematic”. Some municipalities hold separate annual public hearings for their Romani and non-Romani residents. Recognizing the limits in this area, in 2017, the Office of the Government Plenipotentiary for Development of Civic Society, through its national project, has focused on effective public administration, starting pilot projects on developing meaningful strategies of participation specifically targeting marginalized groups, including the Roma.⁵⁷

However, we should note that municipalities are often the very entities that, either through neglect or sometimes through conscious action, keep Romani communities at the margins of society. Available studies indicate that, for instance, the impact of key Roma inclusion programmes, such as those for field social workers, are limited by the power asymmetry between the community and municipal leadership. It is the municipalities that in fact employ field social workers.⁵⁸ For example, in one of our localities, field social workers were unable to challenge the city practice that provided their clients with rental contracts for their flats only for one or three months. Workers simply did not dare to oppose the city for fear of losing their jobs. Their clients were thus unable to receive the approximately 90 EUR per month state subsidy for those in material need that requires a six-month contract. Moreover, since Roma living in this locality do not have contracts for an unlimited time, the town does not have an obligation to provide them with adequate housing if, for instance, their house is unfit for living due to damage on the building. Towns frequently use this strategy to evict poor Roma residents from city homes.⁵⁹ As municipalities are a key applicant for ESIF funds and a key player in local employment policies, power asymmetries can have rather significant detrimental impacts on Roma. A notable positive example was the programme of health mediators, when it was administrated by an independent and influential NGO based in Bratislava and provided its workers with a significant degree of independence allowing them to challenge municipal policies and practices when required.⁶⁰

⁵⁵ Information obtained from the PDR.

⁵⁶ Please see magazine *Reportéri* (part 2), aired on 2 October 2017 on the Slovak Television, online at: <http://www.rtvs.sk/televizia/archiv/11713/137404#1280>

⁵⁷ *National project Support of Partnership and of Dialogue in Participatory Policy Making* with indicative budget at around 1,8 million EUR. Please see more information online at: https://www.minv.sk/?_ros_np_participacia

⁵⁸ Please see also in Daniel Škobla, Jan Grill and Jakob Hurrle, *Evaluácia terénnej sociálnej práce financovanej z ESF v programovom období 2007-2013 na Slovensku* (Bratislava: Implementačná agentúra Ministerstva práce, sociálnych vecí a rodiny, 2015) at 67-78, online at: https://www.ia.gov.sk/data/files/np_tsp/Evaluacia_TSP_na_Slovensku_200-7-2013_final.pdf

⁵⁹ Memo on the use of EU funds for Roma inclusion prepared by the CCM for this report.

⁶⁰ Jarmila Lajčáková, *Implementation of the National Roma Integration Strategy and Other National Commitments in Field of Health Slovakia: A multi-stakeholder perspective report on 2005-2014 developments* (Brussels: IOM, 2015) at 66-67, online at: http://equi-health.eea.iom.int/images/NRIS_Slovakia_Final.pdf

Promoting empowerment and participation of Roma

Generally, despite the share of the Roma of around 7.45% of the overall population,⁶¹ members of this minority remain largely invisible and underrepresented in media, culture, sport and political and social life. The NRIS does recognize as one of its implementing principles partnership with key stakeholders, including the target group. The NRIS notes that Roma or Romani communities “*regardless of the degree of their marginalization, should be part of decision-making processes*”.⁶² The NRIS foresees investments into organizational, expert and advocacy capacities of Romani NGOs as the key intermediary between the government and the Roma minority.⁶³ So far, Roma NGOs’ participation has been facilitated mostly through the presence of Romani NGOs in various meetings and workshops, including the preparation of the Revised and New Action Plans of the Strategy of the Slovak Republic for Integration of Roma until 2020.⁶⁴ However, the selection of the invited NGOs (regardless of whether they are Roma or non-Roma) depends on the guesting institution. Such events can be either occasional or regularly organized through an institutional mechanism such as the Committee on the Elimination of Racism, Xenophobia, Antisemitism and other Forms of Intolerance (the Committee against Racism), which is working under the auspices of the Ministry of the Interior, or the Platform that advises to the Government Plenipotentiary for the Development of Civic Society.⁶⁵ Both regular and occasional meetings are frequently organized by the central administration in Bratislava. This can present a burden for those NGOs (both Romani and non-Romani) that reside at a significant distance from the capital city and for whom travel takes long hours. Also, reimbursement of travel costs is rarely offered. To improve participation of Roma, especially those that are not organized in an NGO and live in marginalized localities in policy machining, the regional office of the OGPRC regularly gathers their motions and feedback.⁶⁶

Based on our experience, Roma participation typically has a form of presence whereby a portion of Roma, through some Romani NGOs, can perhaps express their opinions without any actual power to affect or shape policies through such initiatives.⁶⁷ As we have noted above, Roma typically do not occupy leading positions in the state administration with powers to prepare and implement policies relevant not only for Roma but also for the entire society. The only exception is the OGPRC, recognizing, however, that the GPRC is not of Romani background. Aside from creating bodies for Roma NGO participation that could have an actual say on policies, Slovakia would benefit from models and strategies that could facilitate meaningful participation of ordinary residents of Romani marginalized

⁶¹ “Prvé výsledky Atlasu rómskych komunit 2013”, Ministry of Interior, online at: https://www.minv.sk/?atlas_2013

⁶² The Strategy of the Slovak Republic for Roma Integration until 2020, adopted on 11 January 2012, government resolution 1/2012 at 12, online at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=20646>

⁶³ *Ibid.* at 54-55.

⁶⁴ Revised Action Plans of the Strategy of the Slovak Republic for Roma Integration until 2020 for years 2016-2020 for areas D.2.1 Education, D.2.2 Employment, D.2.3 Health, D.2.4 Housing and D.2.5 New Action Plan for the Area of Financial Inclusion, government resolution 87/2017, 22 February 2017, online at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=26278>. Action plans of the Strategy of the Slovak Republic for Integration of Roma until 2020 for years 2017-2020 for areas: D.2.6. Area of Non-Discrimination and D.2.7. Approaches toward Majority Population – Initiative of Roma Integration through Communication, government resolution 424/2017, 13 September 2017, available at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=26857>

⁶⁵ Please see information about the committee online at: <https://www.minv.sk/?VRAX>

⁶⁶ Interview with Ravasz, *supra* note 42.

⁶⁷ Timofey Agarin and Aiden Mc Garry offer a rather useful theoretical framework that includes three types of Roma participation: having a presence, having a voice and having an influence. Please see in more detail, Aidan Mc Garry and Timofey Agarin, “Unpacking the Roma Participation Puzzle: Presence, Voice and Influence”, (2014) *Journal of Ethnic and Migration Studies* 40:12.

communities. Based on our experience with the recent desegregation activities in Žilina,⁶⁸ it is critical that both municipal administration as well as local state officials prepare and organize meetings in a manner that addresses the enormous power inequities and the distrust held towards state authorities by Roma living in excluded areas.⁶⁹

Guarantees for the effectiveness of programmes with the largest budgets

Slovakia has traditionally adopted a territorial approach to using ESIF for Roma inclusion, i.e., targeting municipalities with significant marginalized Romani communities as identified in the Atlas of Romani Communities 2013 (Atlas).⁷⁰ ESIF is the main, and in some cases, the only funding of Slovakia's key programmes focused on Roma inclusion such as field social work, community centres, health mediators and school assistants. Therefore, the delays in dispersion of ESIF funds that we note in this report have a particularly negative impact on Roma.

The main portion of funds for Roma inclusion is earmarked in the Operational Programme Human Resources (OPHR),⁷¹ managed under the authority of the MLSAF. The intermediary body responsible for most of the funds for Roma inclusion is the Ministry of the Interior's department of Inclusion of Marginalized Roma Communities (this is a different unit than the OGPRC under the same ministry and OGPRC has not supervisory role over it). The OPHR anticipates the use of a combination of ESF and ERDF funds through priority Axes 5 and 6. Axis 5, called 'Integration of marginalized Roma communities', with an allocation of approximately 163.5 million EUR, supports "soft" measures such as field social work, community workers, preschool activities or health assistants. Priority axis 6, 'Technical facilities in municipalities with presence of marginalized Roma communities, with an allocation of 286.6 million EUR, shall be used for "hard" projects such as building of infrastructure, kindergartens, community centres, access to clean water, housing development, waste collection and the like. The OPHR, however, supports Roma inclusion also within the rest of the OP through mainstream measures managed by the MLSAF.

The designers of the OPHR planned to specifically target 150 towns and municipalities with the least-developed Roma communities through a simplified method of access to some key soft programmes through the so-called 'Take-Away Package'. The OGPRC should administer the Take-Away Package national project with funding of all key programmes at once such as field social work, legalization of lands and teaching assistants in kindergartens.⁷²

However, the implementation of the national project in the 150 municipalities and towns has been delayed, even in comparison to the rest of the country. Ravasz, who was appointed as GPRC in 2016, split the original 'Take-Away' project into three separate national projects to speed up implementation.⁷³ In fact, the GPRC remarked on this note, *"If I could have redesigned the programming period, something that I did not have an*

⁶⁸ Please see more on this case at 59 ff, below.

⁶⁹ Recollection of CVEK from meeting organized by the Office of the Government Plenipotentiary for Romani Communities in Žilina on 14 September 2017 to discuss the process of integration of Romani children. Only few parents showed up. Several others, who initially promised to participated eventually refused suggesting that they are too shy or otherwise unfit to participate at this formal working meeting. Also, the setting of such meetings, with a formalized procedure and introductions that pays attention, for example, to educational and professional credentials of participants may be intimidating for members of disadvantaged communities.

⁷⁰ *Atlas rómskych komunit na Slovensku 2013*, supra note 11.

⁷¹ *Operational Programme Human Resources 2014-2020* (approved by decision of the European Commission no CCI 2014SK05M0OP001 of 9 December 2017), online at: <https://www.employment.gov.sk/sk/esf/programove-obdobie-2014-2020/operacny-program-ludske-zdroje/>

⁷² *Ibid*, at 18 ff.

⁷³ Interview with the head of Inclusion of Marginalized Romani Communities at the Ministry of Interior, Lucia Rozkopálová, prepared for this report on 14 September 2017.

opportunity to do, I would have placed all these programmes under the Ministry of Labour or other ministry or somehow jointly to ensure comprehensiveness".⁷⁴ The OGPRC issued the first calls for programmes of field social work and community centres on 6 March 2017, with funding available until 31 October 2019. The overall allocation for both national projects amounts to approximately 45 million EUR.⁷⁵ Implementation has been rather slow; as of September 2017, out of 656 Field Social Worker and Field Worker positions, only 304 have been filled.⁷⁶ The situation is even more challenging with the community centres as only 30 have been contracted at that time.⁷⁷

By contrast, municipalities listed in the Atlas outside of the 150 the most disadvantaged communities have could benefit from the field social work (222 municipalities)⁷⁸ and community work (93 municipalities) already from late 2015 through 30 September 2019⁷⁹ through national projects administered by the Implementing Agency of the Ministry of Labour, Social Affairs and Family, the intermediary body for priority axis 4 'Social Inclusion'. Hence, localities with arguably the worst situation will receive support later and for a shorter period.

Similarly, this also concerns preschool education, where delays in the national projects targeting the 150 least developed communities even undermine the overall impact of inclusion efforts. On 1 February 2017, MESRS started implementation of the national project School Open for All, targeting 130 primary schools and 50 kindergartens in which the share of children from socially disadvantaged environments amounts to at least 20%. One of the central aims with project's allocation of almost 30 million EUR is to support cooperation of kindergartens with schools to ensure Roma children's smoother transition into regular schools. The project also supports informal education taking place outside the school setting, targeting children of preschool age who are not attending kindergarten.⁸⁰ The OGPRC that should implement a similar national project, as a part of the 'Take-Away' focusing only on kindergartens in the 150 least developed communities is, however, delayed. Thus, in practice, although the School Open for All project can support a school that is among the 150 localities, it cannot support the kindergarten in such a village to allow the anticipated comprehensive intervention. In fact, per the GRPC, the delayed national project for kindergartens in the 150 localities is not designed in a manner that can be implemented as it stands by the Ministry of the Interior and must be revised.⁸¹

Lucia Rozkopálová,⁸² director of the Intermediary Body for OPHR Roma-specific Axes 5 and 6, Roma Inclusion Department, at the Ministry of the Interior stressed that the OPHR could be better planned especially in terms of its linkage with other relevant operational programmes. The existence of competing funding sources allows municipalities to apply for funding sources with the fewest requirements for advancing Roma inclusion. For instance, the Integrated Regional Operational Programme (IROP) also allocates significant funds for the development of kindergartens. However, there are no requirements to ensure that the projects support the desegregation, de-ghettoization and de-stigmatization of MRC, as in the case of Roma inclusion funds allocated in the OPHR that supported

⁷⁴ Interview with Ravasz, *supra* note 42.

⁷⁵ *Terénna sociálna práca a terénna práca v obciach s prítomnosťou marginalizovaných rómskych komunití*, online at: <https://www.minv.sk/?oznamenie> and *Komunitné centrá v mestách a obciach s prítomnosťou MRK-I. Fáza*, online at: <https://www.minv.sk/?oznamenie-1>

⁷⁶ Interview with Rozkopálová, *supra* note 73.

⁷⁷ Interview with Ravasz, *supra* note 42.

⁷⁸ *Národný projekt Terénna sociálna práca v obciach I*, online at: <https://www.tsp.gov.sk/o-projekte/zakladne-informacie/>

⁷⁹ *Národný projekt podpora vybraných služieb krízovej intervencie na komunitnej úrovni*, online at: <http://www.npkiku.gov.sk>

⁸⁰ *Národný projekt Škola otvorená všetkým*, online at: <http://npsov.mpc-edu.sk/o-nas>

⁸¹ Interview with Ravasz, *supra* note 42.

⁸² Interview with Rozkopálová, *supra* note 73.

kindergartens with at least a 30 percent share of Romani children, which likely discourages potential applicants.⁸³ Rozkopálová believes that once they close the call for kindergartens by the end of this year, they will be able to simplify conditions to ensure the effective use of funds issued in the next round of calls to meet the set indicators of the programme. As we discuss in the chapter devoted to desegregation, there should be a much stronger policy shift to support and enforce schools and municipalities in their desegregation measures. Indeed, having such leeway in the design of operational programmes such as those included in the IROP can lead to unintended consequences.

Although facing significant administrative and organizational challenges, one of the most successful programmes in terms of its targeting, ongoing duration and involvement of the Roma has been the programme of health mediators. Initially, this programme started as small-scale NGO initiative that later transformed into a large-scale programme administrated by a non-profit organization in a partnership with the MLSAF.⁸⁴ In 2016, the programme's administration was taken up by 'Healthy Regions', a newly formed state agency set up by the Ministry of Health. Despite these administrative challenges, the programme has been continuously funded from the State budget that is now partially refunded by ESF. Health mediators provide not only better access to healthcare services but also an interesting model of local empowerment. Health mediators, recruited from Roma living in these communities, need only to have completed elementary education, including special schools. Trained not only by medical professionals but also in conflict management, health mediators build capacities to communicate with healthcare providers, schools or municipalities. Over time, some health mediators could gain the trust needed among the communities to not only increase vaccination rates but also to internally transform some of the practices that may be endangering the health and safety of their clients.⁸⁵ The programme is funded by ESF from the OPHR Priority Axis 5, with allocation at around 11.3 million EUR for 36 months. The Healthy Regions agency currently employs around 200 assistants, with the plan to increase them to approximately 300, including coordinators, by the end of 2017.⁸⁶

One of the ongoing obstacles in the implementation of soft projects has been the criterion for field social workers and community workers to hold a so-called second stage university degree (master's degree) in a relevant social science field. Alternatively, a bachelor degree suffices if the applicant is still enrolled in master's studies.⁸⁷ Similarly, qualification criteria for an expert worker leading a community centre is a university education in the above fields.⁸⁸ A qualification criterion for the assistant positions such as field worker is lower secondary education.⁸⁹ In practice, such criteria for the leading positions in helping professions cause Roma to have very limited, if any, chances to succeed. More often, Roma are more likely to fill positions as their assistants, with lower salaries than social field workers. The qualitative evaluation of the pilot national project of social field work running from 2013-2015, however, revealed that the qualification does not significantly correlate

⁸³ This requirement has been transposed from the NRIS, *supra* note 62. The so-called '3D' principle is further developed in a methodological guidance *Metodický výklad pre efektívne uplatňovanie princípov desegregácie, degetoizácie a destigmatizácie* (Bratislava: Úrad splnomocnenca vlády Slovenskej republiky pre rómske komunity Ministerstva vnútra SR) online at: http://www.minv.sk/swift_data/source/romovia/programove_obdobie_2014_2020/Metodicky_%20vyklad_%20pre_%20efektivnejsie_%20uplatnenie_%20principov_%20desegregacie_degetoizacie_destigmatizacie.pdf

⁸⁴ Please see on the development of this programme in Lajčáková 2015, *supra* note 60 at 59 ff.

⁸⁵ *Ibid.* at 66 ff.

⁸⁶ Slovakia, Healthy Regions (*Zdravé regióny*), information provided by ACEC and through their web site <http://zdraveregiony.eu/poslanie-a-ciele/>

⁸⁷ Paragraph 5 of the Act no 219/2014 on social work, as amended.

⁸⁸ See e.g. in a job ad, online at: https://www.ia.gov.sk/data/files/np_kc/Dokumenty/Vyberove_konania/od_aprila_2015/Hanusovce_28nov14.pdf

⁸⁹ *Ibid.*

with the quality of performed field social work. Field social work assistants (currently field workers), most frequently recruited from among young Roma or local non-Roma, often manage to develop more trust with their clients. They also possess better practical skills in comparison to university-educated social field workers.⁹⁰ Moreover, even if Roma have sufficient qualifications, as the recent case of one Romani applicant shows, they may be discriminated against on the grounds of their ethnic origin.⁹¹ A rather welcome development is thus the recent change of the legislation, proposed by Ravasz, to require completed secondary school instead of a second-degree university diploma. Such workers will be obliged to be enrolled in university studies in social work or other relevant study programmes.⁹²

Another notable development is the funding of 'civil patrols' in marginalized Roma communities. The Ministry of the Interior issued this call in May 2017 with the allocation of almost 17 million EUR from ESF for employment of so-called order guards, who essentially provide social assistance, including accompanying children to school, for a regular wage. The call was met with an enormous interest among municipalities that allowed municipalities to employ mostly Roma, even without any level of completed education, stressing their personal competences as qualifications to undertake this work.⁹³ Out of 850 employed members of these guards, 710 were set to be members of marginalized Roma communities.⁹⁴

Each national project or project supported via open calls is monitored on the basis of quantitative project- and programme-level measurable indicators set out in the OPHR. In addition, the OGPRC shall implement a national project 'Monitoring and Evaluation of Policies focused on Social Inclusion of the Marginalized Roma Population' with an allocation of almost 3.3 million EUR from the ESF with an additional 15% of state co-financing that will also cover the preparation of an updated Atlas. This project should also fund qualitative studies to evaluate the impact of various projects and their relationship with the NRIS and its action plan. The project has yet to be presented or approved.⁹⁵

Civil society's access to funding for Roma inclusion activities

Specific tasks included in the Revised Action Plans of the NRIS anticipate the role of NGOs, most typically as partners, with four specific aims: (1) expert preparation of various guidelines in, e.g., implementing social aspects in public procurement, field social work in housing, training of field social workers, (2) evaluation of aspects of the NRIS, (3) delivery of some services such as community work, mentoring programmes, housing programmes, and (4) implementation of awareness-raising projects related to antidiscrimination or

⁹⁰ Škobla, Grill and Hurre, *supra* note 58, at 36.

⁹¹ Please see the case of a Romani female applicant that sued the town Spišská Nová Ves for discrimination on the grounds of their ethnic origin. After her successful appeal to the Constitutional Court, the district court in its revised ruling on April 19, 2017 confirmed racial discrimination. The defendant has appealed. Judgment 8C/268/2016-523, online at: <https://www.poradna-prava.sk/sk/dokumenty/nepravoplatny-rozsudok-okresneho-sudu-v-pripade-diskriminacie-romskej-zeny-v-pristupe-k-zamestnaniu/>

⁹² TASR, "Most navrhne znížiť požiadavky na terénnych pracovníkov", 22 September 2017, sme.sk, online at: <https://domov.sme.sk/c/20655339/most-navrhne-znizit-poziadavky-na-terennych-socialnych-pracovnikov.html>, see amendment of the Act No. 448/ 2008 on Social Services as amended on 29 November 2017 by the parliament. The law, during the preparation of the report, has not been issued in the official law collection. The approved Act amending Act 448/2008 on Social Services and of Act No 455/1991 Coll. on small enterprises, as amended, point 110ak is available online at: <http://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=6486>

⁹³ Please see available information online at: <https://www.minv.sk/?aktualne-vyzvy-na-predkladanie-ziadosti-o-nenavratny-financny-prispevok&sprava=vyzva-zamerana-na-miestne-obcianske-poriadkove-sluzby-mops-v-obciach-s-pritomnostou-mrk-oplz-po5-2017-1>

⁹⁴ Interview with Rozkopálová, *supra* note 73.

⁹⁵ Information is online at: http://www.minv.sk/swift_data/source/mvsr_a_eu/oplz/vyzvania/np_monitorovanie_a_hodnotenie/Vyzvanie_Monitorovanie%20a%20hodnotenie.pdf and through a written information request of 20 September 2017.

supporting Romani culture. The action plans anticipate the use of state as well as ESIF funds for these activities.⁹⁶ At this point, we are unable to assess whether the funding for these tasks is sufficient as most of the calls have not been issued. However, we note, drawing on the experience of grassroots NGOs, for instance, that the design of key inclusion programmes such as of community work do not sufficiently consider the situation of non-governmental organizations. Specifically, as the project reimburses merely the personal costs of community work, NGOs must seek additional resources to cover operational or/and rental costs of the premises of the community centres. Sometimes, larger NGOs, such as People in Need, succeed in obtaining such funding from a municipality or a private donor. However, in the case of areas with less engaged local government or a municipality that has its own centres, this may reduce the chances of NGOs providing such services.

Nevertheless, we note that during the current programming period, the authorities earmarked a rather significant funding in the amount of 15 million EUR for non-governmental organizations through the Effective Public Administration operational programme. The call supports projects aiming to increase civic awareness and participation in the areas of transparency, social affairs and human rights, including Roma inclusion, that should contribute to improved public governance through monitoring, networking, awareness raising, building partnerships with public administration and others.⁹⁷ In the first round of application, NGOs have so far submitted projects requesting more than 30 million EUR; in response, the government has increased allocation for these calls with an additional 15 million EUR.⁹⁸

NGOs (along with municipalities) can furthermore apply for some funding for Roma inclusion through the scheme with the GPRC with an allocation of around 600,000 EUR annually.⁹⁹ The Ministry of Justice administers the only permanent state scheme supporting human rights projects, with a yearly allocation of around 763,500 EUR.¹⁰⁰ Moreover, NGOs working in area of Romani cultures can also apply for funding through the newly established fund for the support of cultures of national minorities, which replaces the previous funding scheme incorporating aspects of increased self-governance.¹⁰¹ Generally, however, smaller and grassroots Romani NGOs noted difficulties in accessing these funds especially due to administrative requirements associated both with application and implementation. In some calls, for instance, applicants must submit up to 15 certificates from various state agencies (e.g., confirming not having an outstanding balance regarding their taxes, customs, healthcare contributions and the like). We are very pleased that finally, the state authorities have started to work generally to reduce this administrative load to ensure that relevant bodies access these certificates through electronic internal state systems instead.¹⁰² In addition, civil society NGOs working in human rights and Roma inclusion will probably be able to apply for EEA grants issued in

⁹⁶ Revised Action Plans of NRIS, *supra* note 64.

⁹⁷ Please see calls for projects online at: <https://www.minv.sk/?aktualne-vyhlase-vyzvy-1>

⁹⁸ TASR, "Financie pre Efektívnu verejnú správu sa zdvojnásobia na 30 miliónov eur", *sme.sk*, 5 October 2017, online at: <https://domov.sme.sk/c/20665360/efektivna-verejna-sprava-robert-fico-samuel-arbe.html>

⁹⁹ Please see information about the scheme available online at: https://www.minv.sk/?spravy_rk&sprava=samospravy-ci-treti-sektor-sa-mozu-uchadzat-o-dotacie-na-projekty-orientovane-na-riesenie-problemov-romskych-komunit

¹⁰⁰ Please see information about the scheme online at: https://www.justice.gov.sk/Stranky/Ministerstvo/Dotacie/vyzva_2017.aspx

¹⁰¹ Act No. 138/2017 Coll. on the Fund of Support of Culture of National Minorities, adopted on 10 May 2017, online at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2017/138/20170701>

¹⁰² "Pellegrini a Žiga vyhlásili vojnu byrokracii! Ľudia ušetria 3,5 mil. Eur a 620 000 hodín strávených na úradoch", 1 November 2017, Press Release of the Deputy Prime Minister for Investments and Informatization of the Slovak Republic, online at: <https://www.vicepremier.gov.sk/index.php/pellegrini-a-ziga-vyhlasi-vojnu-byrokracii-ludia-usetria-35-mil-eur-a-620-000-hodin-stravenych-na-uradoch/index.html>

2018. Some funding, especially for Roma NGOs, is also available from the OSF, especially the Roma Initiative Office programme.

Availability of reliable data on the situation of Roma

There has been a long-standing debate, especially among NGOs, about the gathering of ethnically disaggregated data. While state authorities have typically argued that such collection is in violation of data protection legislation, NGOs argued that it is perfectly legal and in fact necessary to gather anonymized ethnic data to devise effective measures to tackle discrimination and segregation of Roma.¹⁰³ Similarly to other countries, data based on self-identification of national or ethnic belonging or on spoken mother tongue gathered in public censuses once in a decade are, in the view of Roma leaders, activists and demographers, inaccurate due to complex reasons.¹⁰⁴

To overcome the problem with inadequate data, NGOs, in partnership initially with the OGPRC and later the MLSAF, used the method of sociographic mapping of Roma communities prepared first in 2004 and later in 2012. The Atlas does not present a Roma census, but rather gathers information about available technical infrastructure, educational and healthcare facilities, political and civic participation about geographical localities where Roma live, primarily focusing on marginalized areas. This information was complemented by an assessment of the size of the Romani population living in an area based on ascribed ethnic identity. Researchers first gathered information from mayors, social field workers or any other employees familiar with the living conditions and consequently double-check this information with publicly available data and with Roma activists and NGOs.¹⁰⁵ The Atlas, as explained above, serves as the prime source of targeting ESIF, helping to identify and consequently target the 150 municipalities with the least-developed Romani communities based on an index based primarily on the density of Roma living in a household.¹⁰⁶ Inter-governmental organizations (IGOs), the United Nations Development Programme (UNDP) in particular, utilized 2004's Atlas list of Romani communities in their representative gatherings published in 2007 and in 2012.¹⁰⁷ The OGPRC anticipates the preparation of an updated Atlas using the funds allocated from their ESF-funded national monitoring project, mentioned above.¹⁰⁸

However, we recognize that particularly in education, official anonymous state data disaggregated on ethnicity would significantly help to identify the practice of segregation, for example, as well as the impact of adopted measures. Atlas data are insufficient in this regard and we thus need to rely merely on irregular gatherings of IGOs. Saliently, we believe that having state data would urge authorities to accept that segregation is a common practice and clearly reveal the impact of adopted measures.¹⁰⁹ According to informal information, the MESRS has finally started to explore the possibility of gathering

¹⁰³ See e.g. this debate in Alena Kotvanová, *Dáta o rovnosti v slovenskej realite* (Bratislava: Equilibria, 2012), online at: <http://diskriminacia.sk/zbornik-data-o-rovnosti-a-pravne-aspekty-rovnakeho-zaobchadzania-v-slovenskej-realite/>, see especially chapter 1 prepared by Laco Oravec, chapter 3 by Zuzana Valková and chapter 4 by Marián Horecký.

¹⁰⁴ See e.g. in Boris Vaňo and Eva Haviarová, "Demografické trendy rómskej populácie" in Michal Vašečka (ed.) *Čačipen pal o Roma* (Bratislava: IVO, 2002) at 495 ff.

¹⁰⁵ *Atlas rómskych komún na Slovensku 2013*, *supra* note 11.

¹⁰⁶ Please see in "Aktuálny zoznam obcí zapojených do Národného projektu Take Away", 2 November 2015, press release of the GPRC, online at: http://www.minv.sk/?spravy_rk&sprava=aktualny-zoznam-obci-zapojenych-do-narodneho-projektu-take-away

¹⁰⁷ Jarmila Filadelfiová, Daniel Gerbery and Daniel Škobla, *Report on the Living Conditions of Roma in Slovakia* (Bratislava: UNDP, 2007) online at: https://www.researchgate.net/publication/318440893_Report_on_the_living_conditions_of_Roma_households_in_Slovakia UNDP, *Report on the Living Conditions of Romani Households in Slovakia in 2010* (Bratislava: UNDP, 2012) at 109, online at: <http://www.eurasia.undp.org/content/dam/rbec/docs/Report-on-the-living-conditions-of-Roma-households-in-Slovakia-2010.pdf>

¹⁰⁸ Please see more information at 24, above.

¹⁰⁹ Please see more information in chapter on education at 53-56, below.

ethnically disaggregated data based on the model of the Czech Republic (based on reporting of anonymized numbers of pupils considered as Roma by school directors).¹¹⁰

Finally, we consider the protection of such data of ultimate importance, especially considering wider societal contexts such the rise of support for extreme right-wing parties. We are concerned about spreadsheets of Atlas data containing detailed information about the size and location of Romani communities being publicly available through the website of the OGPRC as it can be abused, for instance, to organize attacks towards the communities.¹¹¹ Moreover, rather disquieting are efforts presented by the Ministry of the Interior to approximate the method of the Atlas to indirectly map so-called 'Romani criminality' based on territoriality, i.e., in excluded settlements.¹¹²

Policies and measures addressing specific needs and challenges of Roma women, children and youth

The NRIS sets out gender equality as one of its main principles. According to the NRIS, all policies and measures should be prepared and evaluated also from the perspective of gender, recognizing the multiple disadvantages of Romani women.¹¹³ However, the NRIS and in particular the operative actions plan, does not systematically translate this principle into goals, indicators or specific tasks. The gender equality principle is, except for a few exemptions, missing from the newly prepared revised Action Plans for 2016-2018 approved in early 2017.¹¹⁴ The gender perspective is partially presented only in the action plan on health, which proposes some measures in area of reproductive and sexual health. The action plan on non-discrimination considers the gender perspective in one of its tasks. In education, the gender perspective could have been considered at minimum in addressing preschool enrolment, drop-out rates, educational outcomes or the transition to secondary schools.

Moreover, the NRIS is silent about practices of segregation that extend to specialized lower secondary schools – the so-called branch offices of secondary practical schools set up by settlements. These schools are criticised for promoting the segregation and marginalization of Romani youth and represent an additional burden for girls, who are disproportionately represented in the greatly problematic 'practical lady' learning programme¹¹⁵ or courses of assistant positions in textile manufacturing that reflect gender stereotypes and reflect even more limited employment opportunities in comparison to the brick laying or logging programmes offered mostly to boys.¹¹⁶ Also, the drafters of the action plan on employment and housing could have included gender perspective into its objectives, indicators and tasks, recognizing, for example, the multiple disadvantages of Romani women while enrolling into second-chance programmes or requalification courses as well as the discrimination they face in the labour market. The action plans would also benefit from an acknowledgment of the specific vulnerability of single and/or young mothers in education, employment, housing or in accessing financial services. While the action plan on non-discrimination at one point did recognize the issue of multiple

¹¹⁰ Information presented by Viera Kalmárová, the Main State School Inspector at the conference on segregation in education organized by EDU Roma in Bratislava on 26 October 2017.

¹¹¹ Available online at: https://www.minv.sk/?atlas_2013

¹¹² SITA, "Kaliňák sa stretol s rómskymi špecialistami, pripravuje opatrenia na riešenie kriminality", sme.sk, 26 October 2017, online at: <https://domov.sme.sk/c/20681803/kalinak-sa-stretol-s-romskymi-specialistami-pripravuje-opatrenia-na-riesenie-kriminality.html>. Please see on this issue in more detail at 39, below.

¹¹³ NRIS, *supra* note 62.

¹¹⁴ Revised Action Plans of NRIS, *supra* note 64.

¹¹⁵ We discuss this practice in more detail at 61, below.

¹¹⁶ *Ibid.*

discrimination based on social disadvantage, gender and age, it is not present in the specific goals, indicators or measures.¹¹⁷

'Non-discrimination and Support of Equality between Men and Women' is, however, one of the horizontal priorities for drawing all ESIF funds in all operational programmes. The department for gender equality manages the priority, overseeing that the use of funds respects the intersectionality of disadvantage, including that which stems from gender, age or disability.¹¹⁸ Each project submitted to draw funds for Roma inclusion must specify how it reflects this requirement. At this point, there are no studies that are evaluating the impact of this priority on funds for Roma inclusion. There are no significant programmes at the sub-national level focusing on Romani women.

For the most part, the children's perspective is recognized in the revised action plan on education especially in poor access to early childhood education and exclusion from quality integrated schools. Also, the revised action plan on health acknowledges the importance of preventive care with respect to children and their higher vulnerability to infectious diseases. These tasks are somewhat reflected in national large-scale programmes such as School Open for All or Health Mediators, discussed above. Still, the problem of hunger frequently experienced by marginalized Romani children is not addressed at all.¹¹⁹ Nor are the housing policies designed from the perspective of children's rights.¹²⁰ The NRIS and its revised and new action plans do not address the issue of the disproportionate number of Romani children placed in institutional care or the processes around their adoption. According to assessments of NGOs working in foster homes, 60% of children placed in such care in Slovakia are Roma.¹²¹ Interestingly, while the state does not gather assigned data on the ethnicity of children in institutional care, it gives an opportunity to potential adoptive parents to somewhat choose whether they wish to adopt a Roma child or not.¹²² Finally, the NRIS does not contain inclusion measures in sport or culture.

Revised action plans especially reflect the poor access of Romani youth to integrated secondary schools with prospects for employment. Proposed measures include both legislative changes as well as mentoring programmes funded by ESIF.¹²³ However, as mentioned above, the Revised Action Plan is rather silent on the issue of emerging and expanding practices of segregated secondary schools built close to Romani settlements.¹²⁴ No measures in sport or culture are envisaged.

The Revised Action Plan to some extent identified the needs of Romani girls in the area of reproductive health. However, the increased risks of drug abuse among marginalized youth, especially of toluene, which represents an inexpensive and accessible high-risk

¹¹⁷ Action plans of NRIS on Non-Discrimination and Approaches toward Majority Population, *supra* note 64.

¹¹⁸ Please see more detail online at: <http://www.gender.gov.sk/po-2014-2020/>

¹¹⁹ Jarmila Filadelfiová, *Situačná analýza vybraných aspektov životnej úrovne domácností vylúčených rómskych obydľí* (Bratislava: UNDP, 2013) at 85, online at https://issuu.com/undp_in_europe_cis/docs/situa_n_anal_za_vybran_ch_aspektov

¹²⁰ The children are disproportionately exposed to risks associated with poor housing causing deaths caused by freezing or fire. See e.g. cases in the settlement Mašličkovo that was built after evictions of Romani families from Luník IX, see e.g. in Jaroslav Vrábel, "Za tri dni zomreli v košickom Mašličkove dve deti. Druhé zamrzlo.", *sme.sk*, 4 January 2016, online at: <https://kosice.korzar.sme.sk/c/8113023/za-tri-dni-zomreli-v-kosickom-maslickove-dve-deti-druhe-zamrzlo.html>

¹²¹ Please see e.g. in Elena Gallová Kriglerová (ed.), *Štátne deti na jednej lodi?* (Bratislava: CVEK, 2015) at 23, online at: <http://cvek.sk/statne-deti-na-jednej-lodi-romske-deti-v-detskych-domovoch/>. See also Milan Fico, *Návrh systému metódy zberu a analýzy etnických údajov o deťoch, ktoré sú príslušníkmi národnostných menšín a pre ktoré sú vykonávané opatrenia sociálno-právnej ochrany a sociálnej kurately* (Bratislava: Inštitút pre výskum práce a rodiny, 2008) at 8.

¹²² See e.g. Application form for potential adoptive parents asking whether they would be willing to adopt a child with disability or a distinct ethnic identity. Please see such form e.g. online at: <http://www.upsvar.sk/buxus/docs/SSVaR/tlaciva/dotaznik.pdf>

¹²³ Revised Action Plan on Education, *supra* note 64, measures 3 and 4.

¹²⁴ Please see at 61, below.

addictive drug, is completely left out.¹²⁵ The current GPRC Ravasz has raised the issue of drug abuse noting that the Slovak vendors are often unaware of the existing European legislation that regulates the sale of substances containing toluene. He proposed a strategy focused on targeting such vendors first through a public campaign and later through increased penalties in partnership with municipalities.¹²⁶ Issues of integration of Romani youth leaving institutional care in the labour market could have been addressed as well.¹²⁷ The only planned large-scale initiative concerns mentoring programmes. The OGPRC recently set out consultative and advisory platforms composed of Romani youth.¹²⁸

In conclusion, we wish to stress that policy makers should pay more attention to the situation of Roma with disabilities, who face enormous disadvantages in all key areas, whether being children, youth, adults or seniors. Similarly, state policies should address stigmatization and discrimination against the Roma LGBTI community. These minorities within minorities are somewhat left out not only from policies but also even from research or monitoring activities.

¹²⁵ Please see on this in Miroslav Popper, Petra Szeghy, Ondřej Poduška and Roman Kolárik, *Iná realita: chudoba, sociálna deprivácia a užívanie inhalantov v rómskych osídleniach na východnom Slovensku* (Bratislava: Nadácia otvorenej spoločnosti – Open Society Foundation, 2011), online at: http://www.equityoz.sk/app/webroot/media/content/files/Ina_realita.pdf

¹²⁶ "Ábel Ravasz chce v spolupráci so samosprávami obmedziť predaj toluénu verejnosti", 5 May 2017, MOST Híd, online at: <http://most-hid.sk/sk/abel-ravasz-chce-v-spolupraci-so-samospravami-obmedzit-predaj-toluenu-verejnosti>

¹²⁷ See in more detail Milan Fico, *Mladí ľudia odchádzajúci z detských domovov a ich uplatnenie sa na trhu práce* (Bratislava: Inštitút pre výskum práce a rodiny, 2012) online at: <http://www.ceit.sk/IVPR/images/IVPR/vyskum/2012/Fico/fico2262.pdf>

¹²⁸ Please see at 17, above.

Antidiscrimination

Implementing the Racial Equality Directive

The Racial Equality Directive (RED) has been generally well transposed into the Slovak legal system.¹ RED has allowed NGOs to pursue strategic litigation and, for instance, successfully challenge the spatial segregation of Roma children in education or discrimination against Roma in accessing goods and services, especially using *actio popularis*.² However, in numerous legal cases, the Centre for Civil and Human Rights (CCHR), one of the leading NGOs pursuing strategic litigation, has been confronted with lengthy proceedings³ and, in some instances, with problematic interpretation of antidiscrimination law by courts.⁴ For instance, in a recent case concerning building of a segregated container school next to the Roma settlement Podsádek in Stará Ľubovňa, the first instance court asked the CCHR to uphold the burden of proof in their application against the MERSS for failing to prevent discrimination.⁵ Also, the relevant state and municipal authorities failed to implement the judgment of the first successful case won by the CCHR concerning spatial segregation in education in Šarišské Michaľany.⁶ Finally, public prosecutors would also benefit from training focused on antidiscrimination as they have powers to review by-laws of municipalities. In one of the legal petitions to the regional public prosecutor's office, the CCHR argued that the inclusion of the school districts in a city by-law amounted to indirect discrimination against Romani children who were concentrated in two schools. The public prosecutor rejected the petition, arguing that it had no competence to examine the by-law based on what they believed were 'extra-legal considerations' (i.e. facts that are outside the scope of law).⁷

NGOs as well as international human rights bodies have repeatedly questioned the effectiveness, capacity, and personal and financial independence of the Slovak National Centre for Human Rights (SNCHR), the Slovak equality body in fighting against discrimination.⁸ In fact, recognizing the significant limits of the SNCHR, the Ministry of

¹ For an overview of legislation that transposes RED, please see Janka Debrecéniová (updated by Vanda Durbáková), *Country report: Non-discrimination, European network of legal experts in gender equality and non-discrimination* (Brussels: EC, 2017) at 33-36, online at: <http://www.equalitylaw.eu/downloads/4389-slovakia-country-report-non-discrimination-2017-pdf-2-01-mb>,

² Judgment of the Regional Court in Košice, 12C/ 139/2005 of 15 July 2010, online at: <https://obcan.justice.sk/infosud/-/infosud/i-detail/rozhodnutie/af5f583a-1ef6-41b2-8b12-727c43d1cc83%3Ad481702b-2bfd-4c49-a9dd-01f23ceb9aa4>. See also *Poradňa pre občianske a ľudské práva vs. Základná škola v Šarišských Michaľanoch*, Judgment of the District Court in Prešov, No 25C 133/10-229, 5 December 2011, Judgment of the Regional Court in Prešov, NO 20 Co 125/2012, 20 CO 126/2012, 30 October 2012.

³ See on this point also the most recent *Concluding Observations of the Committee on the Elimination of All Forms of Racial Discrimination, on the combined eleventh and twelfth periodic reports of Slovakia*, CERD/C/SVK/CO/11-13, 8 December 2017, para 9 and 10b, online at: http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/SVK/CERD_C_SVK_CO_11-12_29703_E.pdf

⁴ See especially the work of the Centre for Civil and Human Rights (CCHR) in Košice, online at: <https://www.poradna-prava.sk>,

⁵ Centrum pre občianske a ľudské práva, "Mimovládna organizácia žaluje štát a mesto za segregáciu rómskych detí na základnej škole v lokalite Stará Ľubovňa – Podsádek", press release, 10 November 2015, online at: <https://www.poradna-prava.sk/sk/dokumenty/tlacova-sprava-poradna-zaluje-stat-a-mesto-za-segregaciju-romskych-deti-na-zakladnej-skole-v-lokalite-stara-lubovna-podsadek/>

⁶ Please see in more detail on the case at 58, below.

⁷ Information provided by the CCHR on 15 February, 2017. The CCHR has motioned the Constitutional Court and the case is pending.

⁸ Debrecéniová, *supra* note 1 at 123, *ECRI report on Slovakia* (fifth monitoring cycle), CRI (2014)37, at 9, online at: <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Slovakia/SVK-CbC-V-2014-037-ENG.pdf> and numerous observations of the UN treaty bodies. For example, recently the Human Rights Committee, placed the reforms of the SNCHR among its central concerns, see *Concluding Observations on the Fourth Report of Slovakia of the Human Rights Committee*, CCPR/C/SVK/CO/4, 22 November 2016, paras 8-9, online at:

Justice set up a working group in fall 2016 to prepare a draft of a new piece of legislation governing the SNCHR.⁹ Currently, the SNCHR has limited capacities to provide free legal aid to victims of discrimination. When the SNCHR loses in court, the concerned individual may be obliged to pay the judicial costs (including those of the legal representation).¹⁰ In 2016, the SNCHR defended only three discrimination cases; none of them concerned discrimination against the Roma.¹¹ The SNCHR also engages in independent investigation either to follow up on publicized cases or by being motioned by an individual or an NGO.¹² Yet, the SNCHR has limited means to enforce its findings; often it merely issues an opinion and closes the case. For example, its investigations of walls separating communities have led to only one successful case out of almost a dozen.¹³ The SNCHR has also reviewed the segregation of workers in a private accommodation facility. Despite finding discrimination, the private service provider continued the practice. The SNCHR offered legal aid to the discriminated workers, but none of them was willing to litigate the case.¹⁴ The SNCHR has also been also investigating cases of segregation in education with the Main State School Inspector (Inspector). As the Inspector has the power to penalize the schools through proposing their removal from the list of school providers, the Centre was more successful. Some of the inspected schools, to some extent, have addressed the problem of segregation.¹⁵ The SNCHR has never pursued the *actio popularis* that NGOs advanced as a suitable strategy in cases when victims have been worried about harassment or not willing to sue private or public institutions that discriminated against them.¹⁶

The awareness about the SNCHR among Roma residents in the localities that we reviewed for the preparation of this report was rather low. In its 2016 report, the SNCHR itself acknowledges its limits in reaching out to the Roma. In the context of the 'Let's Learn More Together' project, it notes: "*The Centre approached various Roma communities in terms of awareness-raising on non-discrimination, labour law and human trafficking. Due to lack of interest from their side, the Centre, unfortunately, did not realise any cooperation and training under this project*".¹⁷ Based on our experience, residents of excluded localities would greatly appreciate legal aid, for instance, in issues relating to housing and problematic renewal of their rental contracts with municipalities.

The antidiscrimination legislation does not explicitly recognize multiple discrimination. The only litigated case by the CCHR concerns a challenge to the Act on Childbirth Allowance. The CCHR argues that the act indirectly discriminates against Romani women on the grounds of ethnicity and gender by penalizing them for leaving hospitals and their newly

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/SVK/CO/4&Lang=En. See also the most recent *Concluding Observations of the Committee on the Elimination of All Forms of Racial Discrimination on the combined eleventh and twelfth periodic reports of Slovakia*, CERD/C/SVK/CO/11-13, 8 December 2017, paras 7-8, online at: http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/SVK/CERD_C_SVK_CO_11-12_29703_E.pdf

⁹ CVEK has been invited to participate in the working group.

¹⁰ Debrecéniová, *supra* note 1 at 124.

¹¹ *Ibid.*

¹² See e.g. *Annual report on the Activities of the Slovak National Centre for Human Rights for the Year* (Bratislava: SNHRC, 2017) at 5-6, online at: [http://www.snspl.sk/CCMS/files/2016 Annual Activity Report of the Slovak National Centre for Human Rights.pdf](http://www.snspl.sk/CCMS/files/2016%20Annual%20Activity%20Report%20of%20the%20Slovak%20National%20Centre%20for%20Human%20Rights.pdf).

¹³ *Report on the Observance of Human Rights: Including the Principle of Equal Treatment in the Slovak Republic* (Bratislava: Slovak National Human Rights Centre, 2017) at 50, online at: [http://www.snspl.sk/CCMS/files/2016 HR Report SNCHR eng.pdf](http://www.snspl.sk/CCMS/files/2016%20HR%20Report%20SNCHR%20eng.pdf)

¹⁴ *Annual report 2017*, *supra* note 12, at 10.

¹⁵ We discuss the problem of segregation in education, including the role of the Main State School Inspector at 53-61, below.

¹⁶ Pursuant to paragraphs 9a and 10 sec. a) of the Act No. 365/2004, Antidiscrimination Law, as amended, any legal entity declaring protection from discrimination, among its objectives, can pursue *actio popularis*, including the SNCHR.

¹⁷ *Annual report 2017*, *supra* note 12, at 10.

born babies for a few days after giving birth to take care of their husbands and older children.¹⁸ The case is still pending, as the first instance court dismissed the case and the CCHR appealed.¹⁹ In its report, prepared in partnership with the Centre for Reproductive Rights, the CCHR furthermore documented cases of discriminatory and humiliating treatment of Romani women while giving birth, as well as segregation and low hygiene in maternity wards. The report also notes discrimination in accessing reproductive healthcare services.²⁰ Finally, as suggested above, while multiple discrimination on the grounds of ethnicity and gender is at least at a declaratory level recognized, it is not the case with discrimination against Roma with disabilities, LGBTI Roma or Roma belonging to religious minorities.²¹

We believe that systemic breaches of the RED that would merit investigation of the European Commission (EC) particularly areas of education and housing that we discuss below in the section that follows. However, we would like to also draw attention to practices where the accumulated debts of marginalized families are abused to deny access to municipal services and state aid for the poor. Indeed, reliable studies indicate that debt among marginalized Romani families is steadily increasing. Most frequently, incomes of marginalized families²² are not able to cover their housing expenses, in particular, energy fees or communal waste. Families often balance their loans through informal usurers, or more often through rather predatory loans offered in settlements by the rather predatory agents of private companies.²³ Exclusion from access to public services due to debt arguably may sometimes amount to indirect discrimination on multiple grounds such as ethnicity, socio-economic status or age.

Debts and Forced Evictions in Moldava nad Bodvou

Instead of helping poor families to prevent and to reduce their accumulation of debt,²⁴ municipalities often abuse this situation as a pretence to reject the renewal of rental contracts for their flats and consequently speed up evictions. The town of Moldava nad Bodvou evicted so-called “unadaptable citizens” from flats in the city in summer 2017. The town sold their flats to a private entity and started evicting for energy debts amounting to hundreds of euros, without giving tenants the opportunity to repay the debts or settle on a payment schedule. Often those that have some outstanding payments are granted contracts only for a certain period, which simplifies their evictions after the contract

¹⁸ Debrecéniová, *supra* note 1 at 44.

¹⁹ *Ibid.*

²⁰ Center for Reproductive Rights, Poradňa pre občianske a ľudské práva, *Vakares zoraes: hovoríme nahlas skúsenosti rómskych žien so zdravotnou starostlivosťou o reprodukčné zdravie na Slovensku* (Geneve and Košice: Viena, 2017) at 10, online at: <https://www.poradna-prava.sk/sk/dokumenty/vakares-zoraes-hovorime-nahlas-skusenosti-romskych-zien-so-zdravotnou-starostlivostou-o-reprodukcne-zdravie-na-slovensku/>

²¹ Please see also at 29, above.

²² According to the Fundamental Rights Agency of the European Union (FRA), the risk of poverty among Roma is particularly high and amounts to 87 % of those that live below nationally set poverty line in Slovakia. Furthermore 45% of Romani can make ends meet with great difficulties, another 31% with difficulty, 16 % with some difficulty and only 7 % easily. FRA, *Second European Union and Discrimination Survey: Roma – Selected Findings* (FRA: Luxembourg, 2016), at 14-15, online at: <http://fra.europa.eu/en/publication/2016/eumidis-ii-roma-selected-findings>

²³ Jarmila Filadelfiová, *Situačná analýza vybraných aspektov životnej úrovne domácností vylúčených rómskych osídlení* (Bratislava: UNDP, 2013) at 147-151, online at: <https://www.employment.gov.sk/files/situačna-analyza-final-web.pdf>

²⁴ For instance, some localities rely on the institute of the so-called special recipient (*inštitút osobitného príjemcu*) to prevent accumulation of debts especially related to housing costs. This means that the state subsidy for housing is transferred to the municipality that in turns deduces the payment for housing costs from this support. See in more details information about this policy e.g. online at: <http://www.vssr.sk/clanok-z-titulky/informacia-k-zabezpeceniu-vykonu-osobitneho-prijemcu.htm>

termination. In our view, this strategy is disproportionately used to target Romani residents.²⁵

City Cards in Veľký Krtíš

The residents of Veľký Krtíš can request a city card to use city playgrounds and receive discounts at the public swimming pool, sport playground, concerts and other cultural or sport events organized by the town. However, only residents that do not have outstanding debts on real estate taxes or fees for communal waste can apply for the card. Hence, in practice, all these facilities have become inaccessible for the Romani population. The fee for the use of the sport playground for the public is 5 EUR, for example; with the city card, there is a 50% discount.²⁶

Debts and Housing Allowance

The state supports poor families' housing expenses through a housing allowance that amounts to 55.80 EUR a month in the case of a single person household and 89.20 EUR in the case of a household with more members. This represents a significant share of social welfare. Yet, in practice, it is accessible only to less than half of those who are in material need.²⁷ The reasons are several. The applicant must have a rental contract for at least six months or an ownership title for the property in which he or she lives.²⁸ The allowance was criticized for being inaccessible for those living in illegal houses or shanty homes and who are the worst off, but in fact may have very similar housing expenses for heating, water or communal waste as those living in legal dwellings. Moreover, the allowance is conditioned by having reimbursed all taxes and fees relating to housing, including fees for communal waste. Alternatively, the applicant must present an agreement with a scheduled payment to cover its outstanding debts concluded with the municipality. It is the municipality that has the power to decide whether to conclude such an agreement and to confirm the application for the housing allowance.²⁹ This situation, per a study prepared by the state-funded Research Centre for Labour and Family (RCLF), which recently evaluated this social tool, creates space for manipulative and even discriminatory treatment of Romani families to prevent them from accessing the allowance.³⁰

Access to Drinking Water

Researchers Richard Filčák, Marek Szilvási and Daniel Škobla, in their study on access to drinking water, argued that there is a pattern that in localities with water infrastructure, it is usual for households not to have individual contracts.³¹ Rather, the municipality serves a mediator. *"Such contracts usually do not differentiate between water used by the municipality's own buildings and Roma households (...) which often charge Roma a lump*

²⁵ See e.g. in Michal Lendel, "Dlžníci z mestských bytov musia opustiť domovy" SME, 31 august 2017, online at: <https://kosice.korzar.sme.sk/c/20638232/dlznici-z-mestskych-bytov-musia-opustit-domovy.html>, "Letter of ERRC to the City of Moldava nad Bodvou", 3 August 2017, online at: http://www.moldava.sk/web_object/list-errc-170807.pdf

²⁶ Memo on antidiscrimination prepared by the CCM for this report and information available on the city web site of Veľký Krtíš, online at: http://www.velky-krtis.sk/?program=51&module=action_0_id_ci=10350

²⁷ Daniel Škobla, Gábor Csomor and Jarmila Filadelfiová, *Zmeny v systéme pomoci v hmotnej núdzi a prieskum dopadov zmien v poskytovaní príspevku na bývanie v rámci pomoci v hmotnej núdzi* (Bratislava: Inštitút pre výskum práce, 2017) at 21, online at: http://www.ceit.sk/IVPR/images/IVPR/vyskum/2016/Skobla/zmeny_v_systeme_pomoci_v_hmotnej_nudzi_skobla_csomor_filadelfiova_2016.pdf

²⁸ Para 14 sections 3 and 6 of the Act 417/2013 on Aid in Material Need, as amended, online at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2013/417/20170501>

²⁹ *Ibid.*

³⁰ Škobla, Csomor and Filadelfiová, *supra* note 27, at 7.

³¹ Richard Filčák, Marek Szilvási and Daniel Škobla, "No Water for the Poor: The Roma ethnic minority and local governance in Slovakia" (2017) *Ethnic and Racial Studies*, at 7.

sum (...) The collection of these water rates is often poor."³² The researchers documented cases where such a setting created a situation, for example, where outstanding debts for water caused by already being in arrears for a broken water pipe led to the punishment of the entire community – cut off from the water supply for years.³³

Educational and residential segregation

On the issue of Segregation in Education, please refer to the chapter on Education – Promoting integrated education, where we discuss it in detail.

There has been very little done to address the residential segregation in which more than half of Slovakia's Roma live.³⁴ The use of the ESIF fund should follow the principles of desegregation.³⁵ The Ministry of the Interior plans to open a call for projects to fund social housing that anticipates the so-called gradual housing approach, drawing on examples of good practice, especially of NGOs.³⁶ Also, the OGPR is currently launching a national project that should help the localities with the 150 least developed communities to legalize land underneath houses in Romani settlements.³⁷ The main state programme focused on low-income housing improves the quality of housing but has proven to have no impact on residential segregation.³⁸

In the studied localities, we report deliberate and systemic practices that effectively prevent Roma from being able to move out of segregated, impoverished and often illegally occupied areas. Discrimination in housing is equally if not even more pervasive than in education.³⁹ While there are no official reports, in several monitored localities, including Richňava, Dolina, Vítaz and Spišská Nová Ves, we have recorded unspoken informal rules among the majority that no one will sell a house or flat to a Roma family in a "non-Romani part of the village" or non-Romani block of flats. In Levoča, we have noted that arguably non-Romani applicants for municipal houses were preferentially treated to non-Roma.⁴⁰ Additionally, media have reported the practice of municipalities purchasing inexpensive houses in distant villages to "export" their "problematic" Romani residents.⁴¹ In a recently documented case, Marek Kažimír, the mayor of the village of Krásno, bought an inexpensive house in the village of Kuzmice (7,200 EUR) using funds from the municipal budget approved by the local council for the Badžo family, who lived in what he argued to be life-threatening housing conditions. In the village of Kuzmice, 36 km away, the inhabitants initiated a petition against the moving of the family. According to Martin Vicej, the mayor of Kuzmice, this solution was not about the well-being of the Roma family, but rather the property underneath the house of the Roma family. *"And the plot has a much higher value than a house in our village. There is a plan to build a polyfunctional centre*

³² *Ibid.*

³³ *Ibid.* at 8.

³⁴ According to data from the Atlas of Romani Communities in 2013, 12.9% of Roma live in urban ghettos, 23.8% separated at the edges of towns and municipalities and 17% in segregated settlements. Atlas data is online at: https://www.minv.sk/?atlas_2013

³⁵ Please see on the principles of desegregation, de-stigmatization and de-ghettoization principles to guide the use of ESIF funds at 23, note 83, above.

³⁶ Please see information at 21, above.

³⁷ Please see information about the project online at: https://www.minv.sk/?spravy_rk&sprava=schvaleny-narodny-projekt-pomoze-obciam-pri-vysporiadani-pozemkov-v-marginalizovanych-romskych-komunitach

³⁸ Jarmila Lajčáková, Zuzana Balážová and Alena Chudžíková, *Evaluation of Housing Policies in Slovakia using European Structural Funds* (CVEK: Bratislava, 2014).

³⁹ Memos on antidiscrimination prepared by People in Need, ACEC, ROMED and CCM for this report.

⁴⁰ Memo on housing prepared by ACEC for this report.

⁴¹ See e.g. Juraj Koník and Martina Koník, "Starosta kúpil problémovým Rómom dom o 20 kilometrov ďalej. Je toto riešenie na chatrče a getá?", denník.sk, 2 May 2017, online at: <https://dennikn.sk/717339/starosta-kupil-problemovym-romom-dom-o-20-kilometrov-dalej-je-toto-riesenie-na-chatrce-a-geta/>, Róbert Hakl, "Rómska rodina ako horúci zemiak v Krásnej?", košicednes.sk, 22 November 2017, online at: <http://kosicednes.sk/tema-dna/romska-rodina-ako-horuci-zemiak-v-krasnej/>

with flats and shops in this area."⁴² He furthermore firmly rejected that the municipality of Kuzmice would grant permanent residence to the Badžo family.⁴³ And according to the press, Badžo, who hoped to have better housing for his family, was very unhappy. He stated: *"I am definitely not going to move there. Why would I go there, when they do not want us there? I want to have peace. I am concerned. Even my friends warned me not to go there."*⁴⁴ In one of the localities in eastern Slovakia, a case was mentioned where a private investor bought empty houses to make sure Roma would not be able to purchase them.⁴⁵ The NGO People in Need, working in Plavecký Štvrtok, reported that municipalities with significant Roma communities like this are unlikely to change their plans of regional development to "open" areas that Romani families could potentially use for development of their houses (or areas where Roma have legal ownership of their parcels).⁴⁶ In villages, even more affluent families that have acquired financial means, for example, by working abroad are likely to face discrimination in buying homes. Similarly, in larger towns, Romani families are unlikely to secure commercial rental. Thus, Romani families in Žilina, for instance, have no other option but to stay in a 15m² container flat with shared bathrooms and showers and to pay 200 EUR per month for rent and electricity. The rent per m² is much higher than in the case of commercial rent, but simply put, "no one would rent a Roma family of 6 or 8" their flat.⁴⁷ Also, In Veľký Krtíš, the Community Centre of Minorities (CCM) reported a case where a young Roma family with three children managed to get approved for a bank mortgage to purchase a flat outside "the Roma street" as both parents had a regular income. However, once neighbours learned about them buying a flat, they initiated a petition *"full of hatred, threatening the family that they would expel them"*.⁴⁸ Eventually the family turned down the mortgage and stayed in their old apartment.⁴⁹ As mentioned above, evictions remain a reoccurring practice, with debts accumulated by Romani families often abused to start the process.⁵⁰ Since 2012, the European Roma Rights Centre (ERRC) has been involved in a forced eviction case concerning 156 people in Nižné Kapustníky that was based on the argument that the Romani settlement constituted an illegal waste dump.⁵¹ The ERRC furthermore reported on housing newly built with public funds that was segregated such as the case of almost 1,000 people being relocated from Letanovce to the area of Strelník. The locality is 500 m from the closest village of Hrabušice and 2.5 km from their "home" village of Letanovce.⁵² According to the ERRC, in Červenica, another village, newly built low-income housing was of significantly

⁴² Judita Čermáková and Peter Jabrik, „Rómovi kúpil dom v inej obci. Sťahovať sa už nechce“, [kosice.korzar.sme](https://kosice.korzar.sme.sk/c/20703389/krasna-kupila-romovi-dom-v-inej-obci-tam-protestuju-stahovat-sa-uz-nechce.html), 25 November 2017, online at: <https://kosice.korzar.sme.sk/c/20703389/krasna-kupila-romovi-dom-v-inej-obci-tam-protestuju-stahovat-sa-uz-nechce.html>

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ Roman Cuprík, "Podnikateľka v turizme: Keď sa prisťahovala prvá rómska rodina, bol z toho rozruch", [sme.sk](https://domov.sme.sk/c/20664428/podnikatelka-v-turizme-keď-sa-pristahovala-prva-romska-rodina-bol-z-toho-rozruch.html), 7 October 2017, online at: <https://domov.sme.sk/c/20664428/podnikatelka-v-turizme-keď-sa-pristahovala-prva-romska-rodina-bol-z-toho-rozruch.html>

⁴⁶ Memo on housing prepared by People in Need for this report.

⁴⁷ *Správa o vykonaní prieskumu postupu mesta Žilina vo veci zabezpečovania ochrany a pomoci rodinám postihnutým požiarom* (Kancelária Verejného ochrancu práv: Bratislava, 2017) at 13 -15, online at: <http://www.vop.gov.sk/files/vop-zilina.pdf>, Please see also a coverage of the Slovak Television broadcasted on 2 March 2017, online at: https://www.facebook.com/spravy.rtv/videos/1792660287661452/?hc_ref=ARQtSbr_Dvt9DJx-dGZRYAUaJilpH-PYuQ9bKmMqeBvew-StdKYyx0d1530wNAKVhpg

⁴⁸ Memo on antidiscrimination prepared by CCM for this report. Please see also the case study in Veľký Krtíš at 75, below.

⁴⁹ Memo on antidiscrimination, *ibid.*

⁵⁰ Please see at 32-33, above.

⁵¹ Please see in more detail in *Written Submission by the European Roma Rights Centre Concerning Slovakia to the Committee on the Elimination of Racial Discrimination, for consideration to the 94th Session (20 November – 8 December 2017)*, at 6, online at: <http://www.errc.org/cms/upload/file/slovakia-cerd-submission-5-november-2017.pdf>

⁵² *Ibid.* at 6.

poorer quality, without stable electricity access, sewage or access to drinking water.⁵³ Finally, as explained above, the SNHRC reported that building and maintaining walls to reinforce residential segregation continues to be an issue as well.⁵⁴

Ruling on Eviction

In their strategies to expel their Romani residents, towns and municipalities first get them to change their rental contracts from an unlimited period to a limited period. If the family or individuals are unable to pay their housing fees on time, municipalities often believe that they have no obligation to renew the contract and conclude a payment schedule and can simply evict the people without the necessity to provide alternative accommodation. However, in one case motioned by an individual applicant heard by the Prešov regional court, such a strict and formalized interpretation of the Civil Code provision was found to be in violation of constitutional and international law. In the judge's view, the court must always consider whether the evicted person has real opportunities to find employment and earn for housing. In this case, the petitioner showed that despite numerous efforts, he was unable to find work in one of the least developed regions in Slovakia. He was living from the support of 60 a month, which was barely sufficient to buy food, not allowing him to pay the rent of 50 EUR. Moreover, he was unable to pay his outstanding debt of around 1,500 EUR that had accumulated while he was caring for his old and sick mother full time. The appellate court rejected the lower court ruling that it was sufficient that the petitioner would receive a bed in a municipal shelter with shared bathrooms and showers. According to the ruling, the court can order an eviction only if alternate accommodation fulfils the requirement of respect of human dignity in order to prevent homelessness. Citing constitutional and international law, the appellate court judge noted that such cases where tenants are unable to provide for themselves due to objective reasons must be considered in a complex manner, not giving preference to the property rights of the flat owner. The court ordered the town to conclude a payment schedule for an amount that was affordable for the petitioner.⁵⁵ This case represents a precedent that could be used in future litigations. However, we find that there are very few organizations that offer legal aid in this matter to Roma and thus families often end up in the streets without an opportunity to seek legal redress.

The newly adopted revised action plan on housing anticipates measures to increase quality of housing and infrastructure in marginalized Roma communities using ESIF,⁵⁶ plans to build rental flats and support transitional housing in municipalities with marginalized Roma from the state budget,⁵⁷ and a pilot programme of self-help construction from ESIF.⁵⁸ However, due to decentralization, the implementation of the action plan in the area of housing depends on the willingness of local governments to utilize these opportunities.⁵⁹ As there are neither systemic measures to address discrimination in access to housing, whether by state or private entities, nor to prevent forced evictions, the ability of Roma to

⁵³ *Ibid.*

⁵⁴ Please see at 41, above.

⁵⁵ Regional Court in Prešov, 6CO/2011/2013 of 29 May 2014, online at: <https://obcan.justice.sk/infosud/-/infosud/i-detail/rozhodnutie/a18bb81f-43cc-41b9-b2cf-99098b5b08a7%3A4e3b6410-613a-4355-a8f2-6cb829fff9b7>

⁵⁶ Revised Action Plans of the Strategy of the Slovak Republic for Roma Integration until 2020 for years 2016-2020 for area D.2.4 housing, task 2, government resolution No.87/2017, 22 February 2017, online at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=26278>

⁵⁷ *Ibid.* task 1.1.

⁵⁸ *Ibid.* task 1.2.3.

⁵⁹ For example, Hlohovec has recently adopted its strategy that provides a path to integrated housing and education. Please see the strategy approved at the municipal meeting on 21 September 2017, online at: http://mesto.hlohovec.sk/zasadnutia-z-msz-termíny-pozvánka-materiály-dochádzka-hlasovania-uznesenia-zapisnica-interpelacie.phtml?id_menu=65662&module_action_235348_id_zas=21953&module_action_235348_id_type=9#m_235348

improve their housing conditions by their own efforts is limited, with even more affluent families facing ethnic discrimination.

Discriminatory behaviour by police, misconduct by prosecutors or courts

Discriminatory treatment of Roma by law enforcement authorities continues to be a serious problem. There are indications that some cases of police raids and mistreatment by police corps are not properly investigated by an independent body. Moreover, high-ranking officials, including Prime Minister Robert Fico and Róbert Kaliňák, continue to associate Roma with criminality.⁶⁰

There are recurring cases of police violence targeting Romani communities, most recently the beating of random residents of a Romani settlement in Zborov in April 2017.⁶¹ Moreover, the criticised raid in Moldava nad Bodvou from June 2013 was closed by the Section of the Control and Inspection Service of the Ministry of the Interior (Inspection Section) that investigates misconduct of police officers and was deemed legal. The inspection's findings were also confirmed by the Regional Public Prosecutor's Office on 21 March 2016. In October 2017, the Constitutional Court rejected individual complaints challenging the police brutality.⁶² The case concerns a police intervention in the Budulovská settlement in Moldava nad Bodvou on 19 June 2013 involving 63 policemen with dogs arriving in 23 cars to the settlements.⁶³ According to the report of the Ombudswoman who reviewed the raid, people living in the settlement recalled police officials beating people for no apparent reason while entering and demolishing their homes, with 30 people injured, including a baby.⁶⁴ The Ombudswoman argued that the police had committed serious human rights violations towards an unspecified number of people that could not be justified by reference to the security of persons or to remedying an imminent danger.⁶⁵

The Romani victims who testified as witnesses to the raid in Moldavan nad Bodvou were recently charged of perjury.⁶⁶ The investigator relied on an expert report suggesting that the victims have a common collective mentality, calling it '*mentalica Romica*'. The expert argued that Roma as witnesses have low trustworthiness, a propensity to lie and are emotionally unstable.⁶⁷ Milan (Igor) Hudák, one of the victims who was willing to report the police brutality, wrote in his blog: *"I am scared. I am sometimes so scared that I cannot sleep. Evenings are the worst, when I think about what could happen to my younger sister and her three sons. Two of them just enrolled into school. I am trying to*

⁶⁰ Please see on this point in chapter antigypsism at 44, below.

⁶¹ *ERRC written submission, supra* note 51, at 3-4.

⁶² Roman Cuprík, "Prokuratúra: Inšpekcia policajného zásahu v Moldave je v poriadku", *sme.sk*, 21 March 2016, online at: <https://domov.sme.sk/c/20121056/prokuratúra-inspekcia-policajneho-zasahu-v-moldave-je-v-poriadku.html>. Please see also SITA, "ÚS zamietol sťažnosť na brutalitu policajtov počas razie v Moldave", 27 October 2017, *pravda.sk*, online at: <https://spravy.pravda.sk/domace/clanok/446351-us-zamietol-staznost-na-brutalitu-policajtov-pocas-razie-v-moldave/>

⁶³ "Vyrozsudenie verejného ochranu práv o nesúhlase so stanoviskom Ministerstva vnútra SR porušení základných práv a slobôd fyzických osôb, ku ktorému došlo policajným zásahom vykonaným dňa 19.06.2013 v rómskej osade Budulovská v Moldave nad Bodvou a o nesúhlase s neprijatím opatrení na ochranu základných práv a slobôd fyzických osôb a právnických osôb pri vykonávaní policajných zásahov a osôb, ktoré polícia predviedla na policajné oddelenia s nevyvodením dôsledkov za porušenie práva, document no UV-32378/2013, 8 January 2014, at 4-5, online at:

<http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=23139>

⁶⁴ *Ibid.* at 6.

⁶⁵ *Ibid.* at 4.

⁶⁶ SITA, "Vzniesli obvinenie v kauze policajného zásahu vo Vrbnici", *pravda.sk*, 19 December 2016, online at: <https://spravy.pravda.sk/domace/clanok/414427-vzniesli-obvinenie-v-kauze-policajneho-zasahu-vo-vrbnici/>

⁶⁷ Veronika Prušová, "Policajti využili pojem „mentalita romica“ aby odôvodnili, že Rómom sa nedá veriť", *denníkN.sk*, 21 September 2017, online at: <https://dennikn.sk/885577/policajti-vyuzili-pojem-mentalita-romica-aby-odovodnili-ze-romom-sa-neda-verit/>

*get them some new clothes and shoes through my friends. But who will help them when I end up in jail?"*⁶⁸ According to Martin Vavrinčík, who was working during the raid in the locality, after one year, *"You could feel the fear in the settlement. People were used to various kinds of police visits, but this was too much"*.⁶⁹

In November 2017, two men opened fire in Pohronská Podhora, shooting with an automatic rifle at a home in a street where the majority of residents are Roma. A Romani family with small children were sleeping at the time of the attack, and no-one was injured, but had they been awake at the time, they could have been killed as the shots went through the kitchen window. According to Banská Bystrica Regional Police Director Štefan Šurka, the assailants were drunk and drove to the settlement because they wanted sex with local Romani women. When the men failed to convince anybody to have sex with them, they began to fire their weapon. The police director ruled out any extremist or racial motivation: *"It was spontaneous; suddenly [he] took out the automatic rifle and wanted to fire into the air, but as the rifle started to feel heavier, probably it fell and [he] was shooting at the house"*.⁷⁰

In another case of police brutality where the police were accused of excessive force, resulting in injuries to 16 Roma in Vrbica on 2 April 2015, the Inspection Section charged the commander of the police raid with obstruction of justice by a public official. However, the police guards participating in the raid were cleared of all charges. While the CCHR, which was defending the victims, appreciated the charges against the commander, it found the investigation to be flawed by failures to gather evidence in a thorough manner, especially in the early stages of the inquiry.⁷¹

In 2016, Slovakia lost a case at the European Court for Human Rights (ECHR) due to its failure to ensure the effective investigation of a case concerning a Romani minor who was detained and mistreated at a police station. The court found a violation of the procedural limb of Article 3 of the Convention prohibiting torture and other degrading treatment.⁷² The Court pointed out that *"the institutions and persons responsible for carrying it [effective investigation] out must be independent from those targeted by it. This means not only a lack of any hierarchical or institutional connection but also practical independence"*.⁷³

The inspection section is a separate unit of the Ministry of the Interior completely subordinated to the Minister of the Interior. This department is independent from the management and structure of the police and investigates the unlawful activities of Police Force members. Yet, the Minister of the Interior appoints both the head of the Inspection Section as well as the Police president.⁷⁴ The inspection section is supervised by the relevant district public prosecutor's office and special prosecution office. Specifically, the prosecution office monitors whether the investigation process follows the relevant legal acts during pre-trial proceedings and raises criminal charges. This also means that the

⁶⁸ Milan (Igor) Hudák, "V Bratislave sa cítim ako človek, doma som len Cigán", denníkN.sk, 5 september 2017, online at: <https://dennikn.sk/859077/v-bratislave-sa-citim-ako-clovek-doma-som-len-cigan-free/>

⁶⁹ Rudolf Sivý, "Deti z Moldavy sa po roku hrajú na kukláčov, polícia so zmenami vyčkáva", sme.sk, 18 June 2014, online at: <https://romovia.sme.sk/c/7242065/deti-z-moldavy-sa-po-roku-hraju-na-kuklacov-policia-so-zmenami-vyckava.html>

⁷⁰ "Za Rómkami išli pre sex: Polícia objasnila strelbu na rodinný dom", tvnoviny.sk, 12 October 2017, online at: http://www.tvnoviny.sk/domace/1889864_za-romkami-isli-pre-sex-policia-objasnila-strelbu-na-rodinny-dom#

⁷¹ SITA 2016, *supra* note 66.

⁷² *Adam vs. Slovakia* (Application no 68066/12) of 26 July 2016.

⁷³ *Ibid.* at 17.

⁷⁴ Regulation No. 150/2011 on Some Activities of the Section of the Control and of Inspection Service of the Ministry of Interior of the Slovak Republic, published on in the bulletin of the Ministry of Interior, Number 76/2011 of November 10, 2011, at 2-3.

prosecution oversees cases when relevant action is not taken by the Inspection Section.⁷⁵ The Public Prosecutor can submit a protest against a decision of any state organ that is adjudicated by courts in administrative proceedings.⁷⁶ The inspection section, like any other state body, is obliged to provide the prosecutor's office with explanations, files and other documents to ensure that the prosecution can undertake their supervisory functions.⁷⁷ NGOs, the Ombudswoman as well as international human rights bodies criticised the inspection section for its lack of independence as it works within the structure of the Ministry of the Interior with appointees by the minister.⁷⁸ The CCHR reported that the Inspection Section only very rarely initiates criminal prosecution in the case of alleged ill-treatment.⁷⁹ In 2016, Minister of Justice Lucia Žitňanská requested changes to ensure independent investigation of police misconduct. Despite the fact that the Minister of the Interior somewhat acknowledged the need for reform, his proposal merely anticipates increased personal capacities of the public prosecutor office to be able to review each case investigated by the inspection office.⁸⁰

There are no available public data that would allow us to quantify ethnic profiling or over-policing of Roma and of Romani communities. The most recent EU MIDIS-II data published by FRA, suggests that 6% of Roma were stopped, searched or questioned in the last five years with perceived ethnic profiling. 35% of Roma respondents furthermore believe that their last stop was due to their ethnic origin. 30% of Roma in their interaction with police experiences non-respectful behaviour and 39 % respectful.⁸¹

Furthermore, it is notable that Prime Minister Robert Fico and Minister of the Interior Róbert Kaliňák announced in late 2016 their commitment to fight against 'Roma criminality'. The Ministry of the Interior issued a list of 'problematic' settlements and areas that includes information about streets and numbers of apartment buildings in which Roma live. Kaliňák promised a more tangible police presence in these localities and intense work with the municipalities to improve the situation and prevent criminality.⁸² Aside from the criticism of the NGOs, several mayors of the listed localities were genuinely surprised as they have registered no security-related problems in these municipalities.⁸³ It is questionable whether the Ministry of the Interior has delivered on the promise to increase the presence of police officers in the settlements. Our interview with a police specialist specially trained in policing in excluded communities yielded no evidence of increased police deployment in Romani settlements.⁸⁴

⁷⁵Para 17, section 2 (a) (b), Act No. 153/2001 Coll. on Public Prosecution, as amended.

⁷⁶ *Ibid.* para 22 sec 1 c and paras 24-27, para 17, section 2 (a) (b).

⁷⁷ *Ibid.* para 37 Para 17, section 2 (a) (b).

⁷⁸ See e.g. *Concluding Observations of CAT on Slovakia*, CAT/C/SVK/CO2, 17 December 2009, para.5.9., *CERD Concluding observations*, *supra* note 3, para 16d.

⁷⁹ *Written Comments for the Consideration of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT) on occurrence of cruel and inhuman treatment and deficiencies in investigation of such treatment in Slovakia*, Center for Civil and Human Rights (Poradna), Slovakia, 24 July 2013, at 4.

⁸⁰ SITA, "Kaliňák chce rokovovať so Žitňanskou o zmenách vo fungovaní policajnej inšpekcie", *webnoviny.sk*, 4 September 2017, online at: <https://www.webnoviny.sk/kalinak-chce-rokovat-so-zitnanskou-o-zmenach-vo-fungovani-policajnej-inspekcie/>

⁸¹ Please see FRA, *the Second EU Minorities and Discrimination Survey*, (2017), online at: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-second-eu-minorities-discrimination-survey?mdq1=dataset>

⁸² TASR, "Kaliňákovo tajný plán: V problémových osadách sa tvrdo zakročí", *aktualne.sk*, 10 December 2016, online at: <https://aktualne.centrum.sk/slovensko/politika/problemove-osady-pod-drobnohládokom-kalinak-sprisi-opatrenia-proti-nepripravenosti.html>

⁸³ Peter Kováč, "Kaliňák ukázal obce, v ktorých chce bojovať s rómskou kriminalitou", *SME*, 10 January 2017, online at: <https://domov.sme.sk/c/20429071/kalinak-ukazal-obce-v-ktorych-chce-bojovat-s-romskou-kriminalitou.html>

⁸⁴ Interview with a police specialist on 15 September 2017 prepared for this report (interview was anonymous).

Access to clean water and sanitation

Atlas data gathered in 2012 confirm that access to clean water and sanitation among marginalized Roma remains to be an issue. Out of 801 identified Romani localities, 185 do not have any access to public water pipelines (23%). Among those localities, 111 are situated in villages that are otherwise completely or partially covered by public water pipelines. Even within the Roma settlements that have access to public water, only 76% use this resource. Access to clean water correlates with the degree of exclusion – the more segregated the community, the higher likelihood of not having access to public water.⁸⁵ 56.4% of Roma localities do not have access to a public sewage system. Even in those localities that have access to public sewage, only 82% households rely on it.⁸⁶ The ERRC's 2017 report on access to clean water and sanitation (among other things) in Slovakia; Filčák, Szilvasi and Škobla's 2017 qualitative study on access to water of poor Roma; as well as the Slovak Ombudswoman's 2016 report all documented the discrimination experienced by Roma. In situations with no access to public water pipelines, people must devote significant time and effort to walking to the nearest sources of water. Moreover, water resources are often spoiled by animals, industrial pollution, agricultural fertilizers and/or human excrement from wooden pit latrines. As mentioned above, water also remains financially inaccessible for many. In some excluded communities, people had access to a communal resource only for a limited number of hours per day.⁸⁷ Despite international and national legal guarantees of access to water, there is *"a dichotomy between formal policy commitment at the national level and the real situation at a local level. The persistence of poor living conditions and barriers in access to water for Roma is related on the one hand to a combination of interwoven structural, institutional and economic challenges and on the other hand social practice and discrimination."*⁸⁸ In fact, access to water is fully dependent on the willingness of local authorities to invest into infrastructure and ensure its affordability for the most vulnerable groups. And while access to water has been identified as one of the priorities in the use of ESIF, it is completely up to the willingness and capacities of the municipalities to sort out, for example, unclear legal titles to plots of land in excluded localities and to apply for the funds. In the current call from ESIF to fund access to drinking water with allocation of 16 EUR million, through 2 rounds, only 7 municipalities applied and 4 were successful in having aprox. 450,000 EUR for funding approved.⁸⁹ The Ombudswoman, in her report on access to clean water in Roma communities, noted such municipalities often blamed central state authorities of *"leaving the problem to them."*⁹⁰ Most fundamentally, she underscored the dual application of law in Roma settlements, noting that enforcement of laws by state authorities in Roma settlements is selective. *"For instance, criminal law or social welfare legislation is enforced, but for example, a building act, or regulations relevant to protection of health or the like – not so much."*⁹¹

⁸⁵ *Atlas rómskych komunít na Slovensku 2013* (UNDP: Bratislava, 2013), at 20, online at: https://www.minv.sk/?atlas_2013

⁸⁶ *Ibid.* at 27.

⁸⁷ Filčák, Szilvasi and Škobla, *supra* note 31 at 4-9, Please see similar findings in ERRC, *Europe's Roma Denied Access to Clean Water and Sanitation* (Budapest: ERRC, 2017) at 21ff, online at: <http://www.errc.org/cms/upload/file/thirsting-for-justice-march-2017.pdf> and in *Správa o prieskume dodržiavania základných ľudských práv a slobôd* (Bratislava: Kancelária verejného ochrancu práv, 2016), online at: http://www.vop.gov.sk/files/Pristup_k_vode.pdf

⁸⁸ Filčák, Szilvasi and Škobla, *ibid.* at 10.

⁸⁹ Distribution of funds in response to the call for proposals, OPLZ-PO6-SC6.1.1.-2016-3, online at: <http://www.minv.sk/?aktualne-vyzvy-na-predkladanie-ziadosti-o-nenavratny-financny-prispevok&sprava=vyzva-zamerana-na-podporu-pristupu-k-pitnej-vode-oplz-po6-sc611-2016-3>

⁹⁰ *Správa o prieskume*, *supra* note 87.

⁹¹ *Ibid.*

Addressing antigypsyism

Institutional settings for fighting discrimination and racism against Roma

Roma were officially recognized as a national minority in 1991,¹ gaining, at least in theory, the same access to minority rights as other already recognized minorities, in particular the right not to be discriminated against, the right to declare belonging to a national minority, to have access to education in one's mother tongue, to receive information in one's mother tongue, to have one's minority culture protected as well as the right to participate in matters affecting the minority.² As argued by Jarmila Lajčáková, this framework is insensitive to the multiple sources of discrimination experienced by Roma.³ As explained in the chapter on education, for instance, given the scope of segregation in schooling, creation of a model of minority schools educating only Romani children in Romani – such as in case of the similarly numerous Hungarian minority – may be abused as an excuse for reinforcement of segregation.⁴ In fact, a model of how to, for example, support the education of/in the Romani language in a manner that promotes inclusion has not yet been put forth in practice.

The main policy document tackling discrimination is the 2015 State Strategy for the Protection and Support of Human Rights in Slovakia.⁵ Based on the Strategy, the Ministry of the Interior prepared an Action plan for the Prevention and Elimination of Racism, Xenophobia, anti-Semitism and other forms of intolerance (Action plan against Racism) for 2016-2018.⁶ In 2011, the government set up the Committee against Racism within the ambits of the Ministry of the Interior and composed of state officials, independent experts and NGOs, including the RAVS. The Committee Against Racism is one of the bodies set up within the structure of the Human Rights Council, an advisory body to the government.⁷

Within the framework of the NRIS, the OGPRC prepared an action plan tackling discrimination and affecting public opinion in 2017.⁸ The Action plan includes activities focused on the majority population, key stakeholders as well as activities aimed at raising the capacities of victims of discrimination to defend their rights, including conflict resolutions at the local level. The overall planned budget for the Action plan is 51 million EUR, with 36 million EUR coming from the ESF, around 10 million EUR from state co-financing in addition to almost 5 million EUR from other state schemes especially allocated for the support of minority cultures.⁹ Neither the Action plan against Racism nor the non-discrimination action plan recognize the term antigypsyism. However, these documents

¹ *Zásady politiky vlády České a Slovenské Federativní republiky k romské menšine*, government resolution. 619/1991 of 3 October 1991.

² Articles 12, 33, 34 of the Slovak Constitution, Act No. 460/1992 Coll., as amended.

³ See in more detail on this e.g. in Jarmila Lajcakova, *Ethnocultural Justice for Roma* (SJD thesis, the Faculty of Law, University of Toronto, 2007, unpublished) c 1.

⁴ Please see at 61, below.

⁵ State Strategy on Human Rights, adopted by government resolution 71/2015 on 18 February 2015, online at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=24253>

⁶ Action plan for the Prevention and Elimination of Racism, Xenophobia, anti-Semitism and Other Forms of Intolerance for 2016-2018, government resolution 12/2016 on 13 January 2016, online at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=25250>

⁷ Statute of the Human Rights Council, government resolution 158/2011 on 2 March 2013, online at: <http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Uznesenie-11547?prefixFile=u>

⁸ Interview with Ábel Ravasz, GPRC prepared for this report on 23 October 2017.

⁹ Action plans of the Strategy of the Slovak Republic for Integration of Roma until 2020 for years 2017-2020 for areas: D.2.6. Area of Non-Discrimination and D.2.7. Approaches Toward Majority Population – Initiative of Roma Integration through Communication, government resolution No. 424/2017, 13 September 2017, online at:

<http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=26857>

address antigypsyism through combating anti-Roma stereotypes among the majority population, for example.

In our interview, the GRPC, Ravasz, was sceptical whether the introduction of the concept of antigypsyism into the legislation and policies would itself help to improve the situation of the Roma. He believes that more specific measures aiming to improve the Roma's condition represent the more effective strategy to tackle antigypsyism. In fact, he noted *"I have a real issue with this word... We push out [the term gypsy] from Slovak and then will bring it back through a good-faith initiative... During my term, we have prepared Action plans on non-discrimination and public opinion. This is in fact the same as antigypsyism, just we called it differently"*.¹⁰ By contrast, the RAVS, which is active in this area, believes that *"the correct understanding of antigypsyism as a specific form of racism against the Roma will not only shape better policies but also start to create a social atmosphere in which antigypsyism will no longer be morally acceptable (...) in our opinion, it is important to clearly define antigypsyism and not to be worried about what the fight against it means"*.¹¹

One of the positive steps in terms of symbolic policies towards the Roma has been the recognition of the Roma Holocaust by the Slovak government. In 2005, the Ministry of Culture created a working group in partnership with the NGO In Minorita to prepare the project Ma bisteren! The project, implemented by the Slovak National Museum in Martin with In Minorita, sought to symbolically recognize the victims through remembrance memorials in places associated with the Roma Holocaust. Simultaneously, the project sought to raise awareness about these tragic events through discussions, literature and the gathering of historic facts. Since 2005, In Minorita has organized remembrance days in Banská Bystrica to commemorate the victims of the Roma Holocaust, attended by high-ranking state officials such as the Minister of Justice and the GPRC, for example.¹² Aside from Banská Bystrica, there are remembrance memorials in Lutila, Nemecká, Hanušovce nad Topľou, Zvolen, Slatina, Dubnica nad Váhom, Dunajská Streda, Čata,¹³ Filákov,¹⁴ Sered' and Rimavská Sobota.¹⁵

Countering hate crime and hate speech against Roma, and the antigypsyist rhetoric of politicians, public figures and media

In 2016, the Ministry of Justice responded to the low prosecution and legal enforcement of hate crime by an amendment of the Criminal Act, passed by parliament and entering into force on 1 January 2017.¹⁶ The amendment transposes the *Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law*, reinforcing several provisions concerning hate crimes (e.g., inciting hatred, hate speech, establishing extremist movements) that are all classified as crimes of extremism. Paragraph 421 of the Criminal Code, which criminalizes the support and promotion of extremists' movements aimed at the suppression of fundamental rights and freedoms,

¹⁰ Interview with Ravasz, *supra* note 8.

¹¹ Memo on antigypsyism prepared by RAVS for this report.

¹² Zuzana Kumanová, "O projekte Ma bisteren!" In Zuzana Kumanová and Arne B. Mann (eds.) *Nepriznávaný holocaust. Rómovia v rokoch 1939-1945* (Bratislava: In Minorita, Slovenské národné múzeum a Katedra Etnológie SAV) at 48-49, online at: http://www.romaholocaust.sk/images/Katalogy/Kniha_2.pdf

¹³ Please see more information online at: <http://www.romaholocaust.sk/sk/pripominanie/111-nezabudnite>

¹⁴ Please see more information online at: <https://mynovohrad.sme.sk/c/20619461/obete-romskeho-holokaustu-si-pripomenuli-aj-v-novohrade.html>

¹⁵ SITA, "Ravasz a Žitňanská vyzývajú na symbolické zapálenie sviečky za obeť rómskeho holokaustu", pravda.sk, 2 August 2017, online at: <https://spravy.pravda.sk/domace/clanok/437119-ravasz-a-zitnanska-vyzyvaju-na-symbolicke-zapalenie-sviecky-za-obete-romskeho-holokaustu/>

¹⁶ Point 140 of the Act No. 316/2016 Coll. with entry into force on 1 January 2017 amending the Criminal Act, Act No. 300/2005 Coll. as amended, online at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2016/316/20170101>

have been expanded to criminalize also the establishment of such movements.¹⁷ In addition, the Criminal Code introduced acts of apartheid to incorporate Slovakia's commitments from the International Convention on the Suppression and Punishment of Apartheid and the Convention on Elimination of All forms of Racial Discrimination.¹⁸

The new amendment also clarified that for the classification of hatred crimes, the actual identity of the victims will no longer be decisive, but rather their identity as assumed by the perpetrators. Ondrej Dostál, MP, who symbolically declared belonging to the Roma minority, recognized that the *"recent anti-extremist amendment of the Criminal Code aimed to address some of the barriers in the prosecution of hate crimes. However, the problem is not in the legislation, but rather the genuine willingness of law enforcement authorities to prosecute these crimes."*¹⁹ To improve the enforcement of this new legislation, the Ministry of the Interior set up a special antiterrorist unit in February 2017 with the power to investigate crimes of extremism within the institutional structure of the National Crime Agency.²⁰ As of 1 January 2017, extremist crimes also started to fall within the competences of the Special Criminal Court.²¹

Before the adoption of these measures, it was a rather frequent occurrence that the seriousness of the respective racially motivated criminal acts was somehow downplayed. In 2013, for example, the Supreme Court dismissed an appeal of then Minister of Justice, Lucia Žitňanská, concerning the case of Marián Kotleba. She believed that a leaflet stating that the candidate Kotleba would address *"unfair privileging of not only gypsy parasites"* that he distributed during his campaign before regional elections in 2010 constituted hate speech. The Supreme Court stated that the leaflet did not have the ambition to harm an ethnic group as the term gypsy is used in the society as an acceptable equivalent of Roma. Moreover, the leaflet stated that it was not targeted "only" to Roma parasites, but also to other "parasites."²² When it came to hate crimes, leading NGO expert Irena Bihariova furthermore argued that police investigations typically failed to classify crimes as racially motivated unless the perpetrator admitted such a motive. She believed that investigators *"insufficiently investigated motives and then claimed that they were unable to carry the burden of proof for a racial motive"*.²³

After the legislative changes, the specialized court issued a judgment that recognized a racial motive. On 20 June 2017, the specialized court convicted a soccer fan who had threatened to shoot the Romani audience during a match in Moldava nad Bodvou. Later, the perpetrator approached two Romani children and told them "You deserve Hitler!" He was found guilty of a misdemeanour with a special racist motive. However, he was only penalized with a 1,000 EUR fine.²⁴

Aside from this inability to prosecute hate crimes and antigypsyism motives, experts working in the area have been pointing out the underreporting of hate crime and hate-

¹⁷ "8 zásadných zmien v Trestnom zákone od 1.januára 2017", najpravo.sk, 30 October 2016, available at: <http://www.najpravo.sk/clanky/8-zasadnych-zmien-v-trestnom-zakone-od-1-januara-2017.html>

¹⁸ Paragraph 424a of the Criminal Act, *supra* note 16.

¹⁹ Interview with Member of the Parliament Ondrej Dostál prepared for this report on 25 September 2017.

²⁰ Please see information online at: <http://www.minv.sk/?narodna-protiteroristicka-jednotka>

²¹ Point 140 of the Act No. 316/2016 Coll., *supra* note 16.

²² Judgment of the Supreme Court No 4Tdo 49/2012 of 19 March 2013, online at: http://www.nsud.sk/data/att/27207_subor.pdf.

²³ Radovan Krčmárik, " Rasovo motivovaných činov je menej. Polícia nekoná, tvrdia odborníci", aktualne. Sk, 18 August 2016, online at: <https://aktualne.atlas.sk/slovensko/spolocnost/rasovo-motivovanych-cinov-je-menej-lebo-policia-nekona-tvrdia-odbornici.html>,

²⁴ Judgment of the Specialized Criminal Court in Pezinok, No 2T/14/2017, online at: <https://obcan.justice.sk/infosud/-/infosud/detail/sud/170/rozhodnutia?ft.725=&ft.529=&ft.530=&ft.537=570&ft.537=568&ft.651=&ft.652=&ft.652=>, cit. 20.9.2017

motivated violence as compared to the official statistics.²⁵ In fact, in the recent FRA EU MIDIS-II data, Roma in Slovakia scored as the group most frequently experiencing hate-motivated violence in Europe in the twelve months leading up to the survey (11%) followed by sub-Saharanans in Austria (10%).²⁶ 36% of those experiencing physical attacks due to their ethnic or immigrant background in the past five years reported it. Slovakia in this regard had an unsatisfactory showing, but had slightly better results than other countries with the largest Roma populations within the EU.²⁷ At this point, we would also like to refer to the on-going deficiencies in the investigation of the police raids in Romani settlements discussed in the antidiscrimination chapter.²⁸

According to a press release²⁹ issued the Ministry of the Interior, the years 2014-2015 marked an enormous increase of hate speeches against the Roma and other minorities on the internet. Also, the Committee Against Racism issued a press release denouncing such crimes and calling law enforcement authorities into action. The Committee set up a separate working group to prepare a measure to tackle hate speech on the internet.³⁰ In the second quarter of 2017, the special public prosecutor's office has specifically focused on hate speech on the internet and investigation of cases of right wing extremism. The office has performed several searches of homes and other premises of perpetrators, gathering evidence, including firearms, associated with these crimes for further investigation.³¹ The Special Public Prosecutor's office announced that it is adjusting its strategies and methods to new means of communication and is focused especially on statuses posted on social networks, particularly concerning Roma and Jewish minorities. In addition, the office also focuses on public graffiti signs and displays on buildings.³² Bihárióvá reported that hate speech can be found most frequently on discussion forums and commentaries to newspaper articles or public statuses.³³

As one examples of very frequent hate speech, we include is a commentary to a status of a journalist who was appalled that an emergency medical technician in an ambulance refused to enter a home to help a Romani woman giving birth; the journalist called that the society should speak about such problems):

²⁵ Matúš Ritomský and Daniel Milo, "Najúčinnejšie v boji s extrémizmom je kritické myslenie", priestori.sk, 5 June 2014, online at: <http://www.priestori.sk/daniel-milo-najucinnejšie-v-boji-s-extremizmom-je-kriticke-myslenie/>

²⁶ FRA, *Second European Union Minorities and Discrimination Survey: Main Results* (Luxembourg: FRA, 2017) online at: <http://fra.europa.eu/en/project/2015/eu-midis-ii-european-union-minorities-and-discrimination-survey>

²⁷ *Ibid.*, data response to a question Reporting rate for the last physical attack due to ethnic or immigrant background, online at: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-second-eu-minorities-discrimination-survey?mdq1=dataset>

²⁸ Please see at 37-39, above.

²⁹ Ministerstvo vnútra, "Zastavme šírenie nenávistných prejavov!", press release, 22 June 2016, online at: <http://www.minv.sk/?tlacove-spravy&sprava=zastavme-sirenie-nenavistnych-prejavov>

³⁰ *Ibid.*

³¹ TASR, "Špeciálna prokuratúra riešila tento rok takmer 80 trestných vecí týkajúcich sa extrémizmu", akuality.sk, 2 July 2017, online at: <https://www.aktuality.sk/clanok/502270/specialna-prokuratura-riesila-tento-rok-takmer-80-trestnych-veci-tykajucich-sa-extremizmu/>

³² SITA, "Od začiatku roka riešila špeciálna prokuratúra 30 prípadov extrémizmu", 3 April 2017, pravda.sk, online at: <https://spravy.pravda.sk/domace/clanok/425298-od-zaciatku-roka-riesila-specialna-prokuratura-30-pripadov-extremizmu/>

³³ Irena Bihárióvá, *Cyber hate – nenávisť na internete* (Bratislava: 2012), online at: <http://www.beznenavisti.sk/wp-content/themes/beznenavisti/podklady-a-materialy/Cyberhate-Nenavist-na-internete.pdf>



English translation: "And about what? :-) that a doctor was afraid to enter a war zone and consolidate the consequences of irresponsible sexual behaviour of a gypsy who had never in her life contributed a single euro to the ambulance that was supposed to help her? :-) :-) :-) and is making a business from children... wow but you are right, we should talk about it:-)" (Source: Facebook/Zuzana Kovacic Hanzelova)

One of the NGO initiatives improving the prosecution of hate crimes has been the project entitled 'Tackling Hate Crime and Hate Speech' lead by People in Need with partners in Malta, the Czech Republic, Lithuania and Hungary. The central aim of the project is to develop an online web tool that would help victims to report hate crime and hate speech through filling out a simple but accurate questionnaire. Such information should help law enforcement authorities in identifying acts as well as gathering more accurate data about the prevalence of hate crime and hate speech. The victim can submit the information under his or her name or anonymously. The plan is to link this tool with the state-operated Centres of Legal Aid discussed below as well as with the National Crime Agency. The tool shall be published in the first half of 2018. The project is funded by the DG Justice.³⁴

Generally, there have also been regional gaps in terms of accessible counselling provided to the victims of crimes, currently offered mostly by NGOs, municipalities or some state authorities. To respond to the situation, the Ministry of the Interior has prepared the national project "Improve access of victims of crimes to services and creation of contact points for victims" with an allocation of 4.1 million EUR in the operational programme Effective Public Administration that should set up eight contact points offering counselling services for victims of crimes across the country.³⁵ The project should also fund preparation of a standard of help provided to the victims of crimes that should be implemented by relevant agencies. In addition, the Ministry of the Interior will undertake training and capacity building activities for relevant agencies. While the project anticipates its focus to be across Slovakia, it will specifically focus on areas with marginalized Romani communities as documented in the Atlas of Romani Communities from 2013.³⁶ Also, the NRIS Action plan on antidiscrimination identified a need to ensure accessible and qualified legal aid to victims of discrimination. The Action plan anticipates reinforcement of capacities of the SNCHR, the Slovak equality body,³⁷ as well as activities focused on providing free legal aid to the victims of discrimination, to be funded with the ESIF allocation of 11 million EUR and another 3.2 million EUR from state funding.³⁸

We would also like to point out deficiencies in recognition of the practice of coercive sterilizations of Romani women both during communism and after 1989, as well as in the

³⁴ Information provided by Martin Vavrinčík, People in Need on 20 November 2017.

³⁵ *Zlepšenie prístupu obetí trestných činov k službám a vytvorenie kontaktných bodov pre obeť*, online at: <https://public-tst.itms2014.sk/projekt?id=e5cc8a71-5f2b-4448-a02a-239c3092973f>

³⁶ Operational Programme: Effective Public Administration, 2014-2020 – Chapter 5, Specific needs of geographic areas most suffering from poverty, discrimination and social exclusion, at 78, online at: <https://www.minv.sk/?opevs>

³⁷ Please see on SNCHR at 30-31 above and Action plans on Non-Discrimination and on Approaches toward Majority Population, *supra* note 9.

³⁸ *Ibid.*

proper investigation and remedying of the practice. According to the CCPR, which successfully litigated several cases with the ECHR and Slovak courts, Slovakia should finally abandon the idea that these were the individual failings of medical staff; rather, they were a practice for which the state should accept the responsibility and set up an independent committee that would investigate the cases and provide redress for the victims of this practice.³⁹

In terms of political rhetoric, one of the most visible positive examples of political communication of issues relating to Roma exclusion has been presented by President Andrej Kiska. He stated *"Let's stop talking about the 'Roma problem' and start working on how to utilize the potential of the Roma. I would welcome if people felt more commitment and willingness from the government and relevant agencies to improve the situation of Romani communities and reduce tensions while living together with the majority population."*⁴⁰ As mentioned earlier, Most Híd and its chairman Béla Bugár similarly used sensitive language in describing the situation of Roma, rejecting the restrictive measures proposed by the SME/Híd Party.⁴¹ However, the more dominant approach among the remaining political parties, as explained in the chapter on antidiscrimination, has become further radicalized and more concurrent with the Kotleba-ĽSNS party. Aside from the Roma Reform policy presented recently by the SaS party,⁴² also Prime Minister Robert Fico, for instance, repeatedly used the term Gypsies, in his public speech in early 2017 to reinforce the stereotype of Roma as societal freeloaders. He stated *"...we have a category of people, and I am not just talking about gypsies who do not want to work, abuse the social system and even harass people living next to them. We will act against people who act as parasites on this state."*⁴³ As also indicated in the chapter on governance, there has been an improvement of prosecution of hate speech by politicians, specifically of members of the Kotleba-ĽSNS party. First of all, MPs Milan Mazurek and Stanislav Mizík were charged with a 1,000 EUR fine for abuse of their immunity as MPs by the Parliamentary Mandate and Immunity Committee.⁴⁴ The police have also started criminal prosecution of several MPs from the party, most recently charging Mazurek with hatred against an ethnic group for his speech during a show aired on Radio Frontinus on 2 October 2016. Mazurek, among others, stated that *"we did not have to pour 300 million EUR for 7-8 years into one community, build playgrounds for them in gypsy suburbs that they will destroy, kindergartens that they will destroy – we do not need to teach them how to use a computer, how to dance; we have to give them work"*.⁴⁵ In his speech, he also compared Roma to animals.⁴⁶

The general legal regulation of media prohibits the promotion of hatred, in open or discreet form, inciting hatred as well as hate speech on prohibited grounds, including ethnic or

³⁹ CCPR, *Súd odškodnil ďalšiu nezákonne sterilizovanú rómsku ženu*, press release of 26 May 2017, 2017, online at: www.poradna-prava.sk

⁴⁰ "Prezident Kiska. Správa o stave republiky", sme.sk, 14 June 2017, online at: <https://komentare.sme.sk/c/20558779/prezident-kiska-sprava-o-stave-republiky-cele-znenie.html#ixzz4v0PAbEp9>

⁴¹ SITA, "Bugár: Koalícia názor Smeru na Rómov nezdiera", sme.sk, 28 January 2017, online at: <https://domov.sme.sk/c/20444843/bugar-nazor-smeru-na-romov-koalicia-nezdiela.html>

⁴² Please for more details at 15, above.

⁴³ Dušan Mikušovič, "Fico použil v televízií slovo „Cigán“. Kiska varoval pred šírením nenávisťi", dennikn.sk, 29 January 2017, online at: <https://dennikn.sk/669793/fico-pouzil-v-slovo-cigan-kiska-varoval-pred-sirenim-nenavisti/>

⁴⁴ "Poslanci Mizík a Mazurek (ĽSNS) zaplatia pokutu tisíc eur", pravda.sk, 6 April 2017, online at: <https://spravy.pravda.sk/domace/clanok/425636-poslanci-mizik-a-mazurek-lsns-zaplatia-pokutu-tisic-eur/>

⁴⁵ Dušan Mikušovič, "Mazurek pôjde pred súd, prokurátor ho obžaloval z hanobenie rasy", dennikn.sk, 4 December 2017, online at: <https://dennikn.sk/961738/mazurek-pojde-pred-sud-prokurator-ho-obzaloval-pre-hanobenie-rasy/?ref=top>

⁴⁶ *Ibid.*

national origin.⁴⁷ The legislation is overseen by the Council on Broadcasting and Retransmission,⁴⁸ an independent body that grants licences to media outlets and rather thoroughly reviews filed petitions. For instance, on the basis of 8 submitted complaints, the council fined Radio Frontinus 15,000 EUR for broadcasting Mazurek's speech on 2 October 2016 and failing to provide a balanced and contrasting view that would put the hateful views into perspective.⁴⁹

The action plan of the NRIS supports active communication towards the majority population based on balanced and objective information about the Roma. One of the tasks seeks to monitor the media for three months and will be performed by NGOs. In addition, the action plan should support media activities presenting Roma in electronic and print media based on objective information and a balanced view, ensuring that Roma representatives are consulted as respondents. The action plan also anticipates an array of educational and training activities for journalists and students of journalism and mass media communication. The overall budget assigned for the plan is 271,000 EUR, including 78,000 EUR from the ESF and the remainder from the state budget.⁵⁰

While the media used to be one of the most salient factors strengthening antigypsyism, we have seen significant improvements in recent years. In a recent study issued jointly by NGOs Slovak Governance Institute and Romano Kher, only 2% of 486 media contributions in education, employment and social policies negatively portrayed the Roma. They explain this drop in negative coverage by suggesting that the general discourse over the last two decades has shifted towards greater political correctness. Moreover, the authors also believe that the selection of contributions from the most popular media outlets can explain these low numbers. These media are under greater scrutiny from both control bodies as well as the expert public. More generally, they are also becoming more professional. Interestingly, the media relatively infrequently use the term Roma and have replaced it with terms such as "marginalized" or "socially disadvantaged".⁵¹

In another, older study from 2014, working with a sample of 900 contributions, Romano Kher⁵² reported that Roma were most frequently presented in association with criminality (13%), with Roma without experience with public communication being asked questions that are difficult for them to answer. Most of the coverage focused on segregated settlements (20%), 12% of the coverage was devoted to positive stories like successful Roma integration projects. Only 2% of the contributions covered issues related to Roma living in integrated settings. News coverage most frequently did not include the names of the interviewed Roma respondents or sometimes only their first names. The study was part of a project aiming also to train journalists in ethnical writing and coverage.⁵³

⁴⁷ Paragraph 19, sec 1 b of the Act No. 308/2000 Coll. on Broadcasting and Retransmission, as amended, online at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2000/308/20160701>

⁴⁸ Statute of the Council for Broadcasting and Retransmission, approved by the Slovak Parliament's resolution 1114/2001 as amended by resolution 625/2004, available online at: <http://www.rvr.sk/sk/spravy/index.php?aktualitaId=429>

⁴⁹ Resolution of the Council for Broadcasting and Retransmission, No 17-07/18.273, online at: http://www.rvr.sk/cms/data/modules/download/1493924782_zapisnica_07_2017-04-25.pdf

⁵⁰ Action plans on Non-Discrimination and on Approaches toward Majority Population, *supra* note 9.

⁵¹ Agnes Horváthová et al., *Mediálne zobrazovanie rómskej menšiny a opatrení zameraných na ich začlenenie na Slovensku. Mediálna analýza* (Bratislava: Inštitút pre dobre spravovanú spoločnosť and Romano Kher – Rómsky dom, 2017) at 2, online at: <http://www.governance.sk/wp-content/uploads/2017/01/Mediálne-zobrazovanie-rómskej-menšiny-a-opatren%C3%AD-zameraných-na-ich-začlenenie-na-Slovensku.pdf>

⁵² *Ibid.*

⁵³ The sample formed of 899 media items issued or broadcasted was from July 1 to November 13 2013 from SME, Pravda, Hospodárske noviny, Plus jeden deň a Nový Čas, web portals aktualne.sk, pluska.sk a topky.sk and main headline news at TV Markíza, TV JOJ, TA3 and RTVS.

An NGO initiative called demagog.sk⁵⁴ provides innovative media monitoring, controlling the accuracy of the facts and statements put forward mostly by politicians.

Analysing and forming narratives and attitudes towards Roma

There is no state authority or a state-funded programme (of an NGO, for example) that would regularly conduct research on societal attitudes towards the Roma, experiences of antigypsyism, obstacles in reporting incidents and seeking justice. The most relevant source of information remains the Eurobarometer, which gathers data on these and other issues in Slovakia⁵⁵ and research provided by the FRA such as the most recent EU MIDIS II.⁵⁶

It is mostly NGOs and independent think tanks that, depending on available funding, perform research on societal attitudes towards minorities. For instance, the Institute for Public Affairs has recently published research studying the trends among the young generation of 18-39 year olds regarding the support of extremism. According to this representative survey of this age group, 80% would mind Roma being their neighbours. This research has been funded by the private ESET foundation and the Bratislava Higher Territorial Unit.⁵⁷ There have been further incidental efforts in this area. For example, in 2016 the Department of Ethnology of the Slovak Academy of Sciences issued a volume called '*Black and White Worlds – Roma in the majority society*' that specifically discussed antigypsyism as a barrier to Roma inclusion. Again, this effort was funded by the state agency supporting scientific research.⁵⁸

NGOs most often rely on EU, OSF and Norway/EEA grants to undertake projects in this area. The Roma Advocacy and Research Centre is likely the only NGO that directly works on issues relating to antigypsyism, especially through its partnership with the ERGO Network, which, starting in 2016, has provided funds in the amounts of 15,543 EUR and 11,700 EUR for the years 2016 and 2017, respectively, through ERGO Network Brussels. The Centre has formed a coalition with a group of seven Roma NGOs entitled Roma for Slovakia to jointly advocate for institutional recognition of antigypsyism.⁵⁹ In their studies, some of these pro-Roma NGOs, such as CVEK and the Slovak Governance Institute, pay attention to issues relating to antigypsyism in various areas such as social welfare and employment⁶⁰ or media coverage funded from OSF and EEA grants.⁶¹

In terms of programmes, initiatives or campaigns for preventing antigypsyism, activities of state and municipal authorities should be significantly reinforced. In 2016, the SNCHR

⁵⁴ See more information online at: www.demagog.sk

⁵⁵ For example, *Special Eurobarometer 437, Discrimination in the EU in 2015* (European Union, 2015) at 21, online at: <http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPICIAL/surveyKy/2077>

⁵⁶ FRA, *Second European Union Minorities and Discrimination Survey*, data response to a question Reporting rate for the last physical attack due to ethnic or immigrant background, (2017), online at: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-second-eu-minorities-discrimination-survey?mdq1=dataset>

⁵⁷ Marián Velšic, *Mladí ľudia a riziká extrémizmu* (Bratislava: IVO, 2017) at 21, online at: http://www.ivo.sk/buxus/docs/publikacie/subory/Mladi_a_rizika_extremizmu.pdf

⁵⁸ Tatiana Podolinská and Tomáš Hruštič (eds.) *Čierne biele svety* (Bratislava: VEDA, 2015) at 127.

⁵⁹ Please see at: www.romadata.org

⁶⁰ Jarmila Lajčáková et al., *Riešenie nezamestnanosti Rómov. Od mýtu k praxi a späť* (Bratislava: Centrum pre výskum etnicity a kultúry and Rómske advokačné a výskumné stredisko, 2017,) online at: <http://cvek.sk/riesenie-nezamestnanosti-romov-od-mytu-k-praxi-a-spat/>

⁶¹ Lucia Kováčová et al., *Diskutuj bez nenávisťi: Stratégie na znižovanie nenávisťných prejavov v online priestore* (Bratislava: SGI, 2017) at 5, online at: https://www.governance.sk/gov_news/institut-sqi-vydal-novu-publikaciju-diskutuj-a-nehejtuj/

undertook some awareness-raising activities focused on the Roma Holocaust (10 events) and extremism towards the Roma (43 discussions at elementary and secondary schools).⁶²

The NRIS action plan on non-discrimination anticipates activities aimed at education and raising awareness among judges, major employers, members of the police forces, staff at labour offices, professional organizations and other relevant groups, with a planned allocation of 25 million EUR from ESIF and 6.6 million EUR from the state budget. The action plan also anticipates the undertaking of a multi-stakeholder state-wide campaign involving public administration, experts working in the areas, primary and secondary schools as well as NGOs and the private sector, with a planned budget of 80,000 EUR from the state budget.⁶³ Furthermore, the action plan of the NRIS on non-discrimination also plans to support counter-narratives to Roma stereotypes through positive and accurate presentation of Roma especially in public mass media. In addition, counter-narratives should be also presented through the organization of official awards acknowledging contributions from municipalities, journalists and school competitions on issues around discrimination as a part of the Dosta! campaign, however, with no specific financial allocations.⁶⁴

⁶² *Ročná záverečná správa o činnosti Slovenského národného strediska pre ľudské práva za rok 2016*, (Bratislava: Slovenské národné stredisko pre ľudské práva, 2017) at 13, online at: http://www.snsip.sk/CCMS/files/Ročná_záverečná_správa_o_činnosti_Strediska_za_rok_2016-schválená_SR.doc.pdf

⁶³ Action plans on Non-Discrimination and on Approaches toward Majority Population, *supra* note 9 at 10-14.

⁶⁴ *Ibid.* at 27 – 29.

Impact of mainstream education policies on Roma

Access to quality early childhood education and care services, especially kindergarten

Institutional care for children, typically from the age of eight months up to three years old, is provided mostly by nurseries.¹ Nurseries offering day/half-day/few-hour care were removed from the authority of the Ministry of Health in 1993 and remained unregulated until 2017. In 2017, the MLSAF introduced a regulation designed to support work and family balance rather than an institution of early education and care.² The regulation mostly concerns health and safety standards, in addition to the much-criticised requirement that a child can be enrolled in a private nursery only when his or her parents are either studying or working.³ There are no curricular requirements for nurseries to follow. Overall, the very few state nurseries in Slovakia are almost unreachable for marginalized Romani parents.⁴ While there is agreement that early childhood programmes, particularly those targeting vulnerable Romani children, should start prior to the age of three,⁵ there is very limited experience even among NGOs with such programmes.

Enrolment in pre-school education, i.e., kindergartens in Slovakia, remains below the OECD average and Europe 2020 goals for the entire population. In the case of the overall population, the share of three-year-olds attending kindergarten was at 64% in 2014, with 74% of four-year-olds and 90% of six-year-olds.⁶ Per UNDP data from 2010, only 12.5% of 3- to 4-year-old Romani children and 28.9% of children aged 5-6 years old attended kindergarten. The share of Romani children attending kindergarten is the lowest in segregated communities. Only 5.6% of children aged 3 and 4 years from segregated communities attend kindergarten in comparison to 14.0% of those living separated or 20.4% of integrated. In the case of 5- to 6-year-olds, the share is 25.6%, 26.3% and 36.1% respectively. In the same survey, 40% of their 3- to 4-year-old non-Romani peers living in the same town or village and 78.6% of 5-6 year olds were attending kindergarten.⁷

Pre-school education is not compulsory. However, GPRC Ravasz has proposed the introduction of compulsory one-year kindergarten for all children prior to enrolment into primary school, i.e., from the age of five. The plan and its details have not been disclosed yet, but Ravasz has indicated the staging of the introduction, first focusing on regions with the highest share of Romani population in Prešov, Košice and Banská Bystrica in 2019, followed by other regions in 2020. There should also be an unspecified opt-out system for parents providing home schooling.⁸

¹ However, in some cases children younger than three years can be enrolled into kindergartens. Mostly it is, however, only paid private kindergartens are willing to enroll children from age two. State kindergartens are more likely to have full capacity and unable to take children who are below age of three.

² Act No. 40/2017 Coll. Amending the Act No. 448/2008 Coll. on Social Services and Other Laws, online at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2017/40/20170301>

³ Denisa Čimová, "Jasličkový zákon štát zmierni, súkromné jasle nebudú len pre deti pracujúcich rodičov", denník.sk, 22 February 2017, online at: <https://dennikn.sk/689239/jaslickovy-zakon-stat-zmierni-jasle-nebudu-len-pre-deti-pracujucich-rodicov/>

⁴ There is no central registry of nurseries.

⁵ *Roma Early Childhood Inclusion+, Slovak Republic Report* (OSF, REF and UNICEF: Bratislava, 2017) at 32-34, online at: https://issuu.com/mirkagrof/docs/reci_slovak_republic_report_eng-06-

⁶ OECD, *Education at a Glance 2016, Slovak Republic*, at 4, online at: http://gpseducation.oecd.org/Content/EAGCountryNotes/EAG2016_CN_SVK.pdf

⁷ UNDP, *Report on the Living Conditions of Romani Households in Slovakia in 2010* (Bratislava: UNDP, 2012) at 109, online at: <http://www.eurasia.undp.org/content/dam/rbec/docs/Report-on-the-living-conditions-of-Roma-households-in-Slovakia-2010.pdf>

⁸ SITA, "Bezplatná materská škôlka. Most-Híd chce zmeny v predškolskej príprave", 24 April 2017, online at: <https://domov.sme.sk/c/20516112/bezplatna-povinna-skolka-most-hid-chce-zmeny-v-predskolskej-priprave.html>

Since the 1990s, Slovakia has invested little into the development of kindergarten facilities. The MESRS's analysis from January 2017 indicates that the number of missing places in kindergartens in 2020 will be around 22,000. However, this estimate is based on the current share of 3- to 5-year-old children enrolled into kindergartens, not taking into account the approximately 7-8% of parents of 3-to 5-year-olds who never applied for kindergartens, especially from marginalized communities.⁹ The lowest enrolment rate and lowest capacities are in regions with a high share of Roma, that is, Košice, Prešov and Banská Bystrica.¹⁰ Sometimes even existing capacities are not fully used or only half-day programmes are offered.¹¹ The MESRS plans to expand existing facilities and build new ones,¹² preferably with ESIF funds through the IROP, with an allocation of almost 8 million EUR, as well as through the OPHR, specifically targeting municipalities with MRC, with an allocation of 70 million EUR.¹³

Preschool-age Romani children can receive some form of educational support in community centres run by NGOs or municipalities. There are no evaluation studies that have thoroughly examined the quality of such assistance in the community centres that organize activities for preschool-age children.¹⁴ While providing a few hours of activities for preschoolers is not a comparable alternative to a regular kindergarten, community centre workers can play an important role as intermediaries between educational institutions and parents, as well as among Roma and non-Roma parents.¹⁵

Most recently, the state, in one of the large-scale ESF funded projects 'School Open for All'¹⁶ incorporated informal education for Romani children who do not have access to regular kindergarten. The project now funds 180 groups out of the planned 260, led by preschool teachers and assistants. Informal groups meet in kindergartens twice a week for two hours. The activity's target group are children who have not been enrolled in kindergarten to ensure that they acquire basic hygienic skills, learn counting, shapes and colours and learn other skills that their peers learn in kindergarten. The project is also aimed at parents to increase their capacities to support their children at home.¹⁷

Regarding the financial accessibility of kindergartens, children whose families are in so-called material need¹⁸ are exempt from the fees for state municipalities that municipalities set out in their local by-laws.¹⁹ On average, the fee amounts to approximately 14 EUR a month.²⁰ Moreover, all children, regardless of the socio-economic status of their families, who are in their final year of kindergarten before enrolling into the primary school are exempt from this fee. The state contributes 1 EUR to lunch and 0.35 EUR to one additional meal a day to a kindergarten for a child in material need. The state also provides a subsidy

⁹ Ministerstvo školstva, vedy, výskumu a športu, "Analýza situácie – kapacity materských škôl", January 2017, at 5, online at: <https://www.minedu.sk/analiza-situacie---kapacity-materskych-skol/>

¹⁰ *Ibid.* at 11 and 19.

¹¹ *Ibid.* at 15.

¹² *Ibid.* at 14.

¹³ *Ibid.* at 19. Please see more details at 23, above.

¹⁴ The available evaluation of the national project of more than 160 community centres supported in 2014 - 2015 from ESF does not discuss the qualitative aspects of pre-school training. Jurina Rusnáková, *Komunitné centrá: evaluačná správa* (Implementačná agentúra Ministerstva práce, sociálnych vecí a rodiny, 2015), online at:

https://www.ia.gov.sk/data/files/np_kc/Dokumenty/V_stupy/Evaluacna_sprava_november_NP_KC_fin.pdf

¹⁵ RECI report, *supra* note 5 at 81.

¹⁶ Please see in more details on the project at 22, above.

¹⁷ Phone interview with Mária Malurčíková, project manager, Methodical-Pedagogic Centre (MPC) in Prešov on 20 October 2017.

¹⁸ Please see in more detail on the regulation of material need at 13, note 10, above.

¹⁹ Para 28 sec.6a of the Act No. 245/2008 Coll. On Education and Care (School Act), as amended, online at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/245/20170901>

²⁰ RECI report, *supra* note 5 at 57.

for teaching materials at around 33.20 EUR a year per child.²¹ Yet, in practice, poor children may not qualify for this subsidy as their families are not recognized as being in material need. This can happen when the mother of such a child has another child or children below the age of three and receives a so-called, parental allowance of 213.20 EUR a month that increases the family income to a level such that the family no longer qualifies for material need, even though it is still poor.²² Kindergartens (as well as primary schools) can receive state subsidies for meals for all children and teaching materials for children enrolled in the final year in the case at least 50% of the children are in material need.²³ While this regulation counterbalances the problem with the parental allowance, it creates an incentive to place all poor (and mostly Roma) children into one facility. There are also hidden fees such as toiletries, footwear, leisure activities or field trips that present a financial barrier. In one of the studied localities, the local kindergarten requested a 5 EUR monthly 'sponsoring' fee. When one of the Romani mothers who wanted to place her child into the kindergarten asked whether it was obligatory, the kindergarten responded that it was, despite clearly having no legal grounds.²⁴ To increase the financial accessibility of kindergartens for poor children, the parliament recently approved new subsidy of approximately 164 EUR per year per child from households living in material need.²⁵

There is great room for improvement in terms of outreach to Romani parents to enrol their children into kindergarten. In one of the studied localities in a larger town, none of the Romani children had ever attended a kindergarten. Parents were unaware of, for example, subsidies offered to children for meals, exemption from payment for the last year of preschool education or about the importance of preschool education. The kindergartens in this town had never reached out to the parents to explain the content of preschool education and the benefits for their further studies. While kindergartens do organize 'open house days' before enrolment dates, they do not reach out to parents in marginalized areas. As illustrated by the director of one of the kindergartens: "*Romani mothers show up only very rarely. Most often it is the case that only non-Romani mothers will show up. Sometimes some Roma mothers come, but those that are more caring and I can see that they want. Those will come.*"²⁶ She did not view reaching out to Romani parents as part of her tasks. In several studied localities, if there are Romani children attending kindergartens, it is typically in facilities catering only to Romani children. That is, there are two kindergartens: one for Romani and one for non-Romani children.²⁷

In terms of quality of the kindergartens, the Main School Inspector, Viera Kalmárova in her report for 2015/2016, reviewing 125 kindergartens (state, private and church), corresponding to 4.3% of all kindergartens, reported numerous positive aspects of preschool facilities. She found that kindergartens had qualified staff, created a positive climate or encouraged development of communication skills in children, among other things.²⁸ However, she also reported that teachers had a dominant role that somewhat

²¹ Please see information online at: http://www.upsvar.sk/socialne-veci-a-rodina/hmotna-nudza/dotacie-pre-deti.html?page_id=228

²² Please see information at <https://www.employment.gov.sk/sk/rodina-socialna-pomoc/podpora-rodinam-detmi/penazna-pomoc/rodicovsky-prispevok/>, RECI report, *supra* note 5 at 57.

²³ Please see information at: http://www.upsvar.sk/socialne-veci-a-rodina/hmotna-nudza/dotacie-pre-deti.html?page_id=228

²⁴ Memo on early childhood prepared by the CCM for this report.

²⁵ Own calculations based on the official sums of so-called survival minimum. Para 1 sec1 b and para 6b sec2 f the Act No. 597/2003 Coll. on Financing of Elementary Schools, Secondary Schools and Educational facilities, as in force on 1 September 2018, online at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/597/?ucinnost=19.10.2018>

²⁶ Interview with kindergarten headmaster (anonymous) prepared for this report on 2 October 2012.

²⁷ Memo on early childhood prepared by ACEC for this report.

²⁸ Štátna školská inšpekcia, *Správa o stave a úrovni vzdelávania v školách a školských zariadeniach v Slovenskej republike v školskom roku 2015/2016* (Bratislava, 2016) at 12-14, online at: http://www.ssiba.sk/admin/fckeditor/editor/userfiles/file/Dokumenty/velka_sprava/sprava_15_16.pdf

curtailed the individual developmental goals of each child.²⁹ In particular, she reported that early care and education of disadvantaged children could be significantly improved. Kindergartens were rarely barrier free. Teachers also struggled in providing individual educational plans for children with disabilities. The Inspector noted weakness in the support of communication skills and of basic hygienic routines of children from a socially disadvantaged environment.³⁰

In 2016, the MESRS introduced a new state educational programme for kindergartens aiming to increase the quality of preschool care. The programme encouraged inclusion of disadvantaged children and children of migrants into regular kindergartens.³¹ Yet, as far as the diversity of children is concerned, the programme states: *"the teacher shall allow children to experience that there are people with disabilities and people of cultural diversity living among us"*.³² The programme does not address the situation of Romani children whose mother tongue is Romani.³³ Intercultural training of staff could be reinforced, as notes the director of one of the kindergartens where the share of Roma children amounts to almost one half: *"I would be lying to you if I said that the education is multicultural. I am not educated enough in the area... I do not speak Romani and I have no teachers who speak Romani and would know something about Romani culture"*.³⁴ Moreover, a recently published report on Roma and early childhood education and care noted that teachers often believed that intercultural education was relevant only in contexts where there was a significant share of Romani children. Finally, inclusion of family and the broader community in preschool education should be reinforced as well.³⁵

Promoting integrated education

In April 2015, the EC launched a procedure against Slovakia for violation of RED for segregation of Romani children through their disproportionate placement into a special schooling system and for practices of spatial segregation.³⁶ In their communication, the MESRS continues to argue that systemic segregation does not exist; there are merely cases of individual failures of schools. Among the state authorities, merely the main state school inspector Kalmárová and the ombudswoman Mária Patakyová acknowledged that segregation is pervasive and systemic.³⁷ Despite failure to fully acknowledge the problem, the MESRS has nevertheless accepted the following four legislative measures promising to curb segregation along with large-scale ESF-funded projects.³⁸

The first and likely the most effective measure has been the extension of the powers of the state school inspection to oversee the functioning of diagnostics centres – Centres of

²⁹ *Ibid.* at 21.

³⁰ *Ibid.*

³¹ *Štátny vzdelávací program pre predprimárne vzdelávanie v materských školách* (Ministerstvo školstva, vedy, výskumu a športu: Bratislava, 2016) c.11 at 108 ff, online at: http://www.statpedu.sk/files/articles/nove_dokumenty/statny-vzdelavaci-program/svp_materske_skoly_2016-17780_27322_1-10a0_6jul2016.pdf

³² *Ibid.* at 65-66.

³³ RECI report, *supra* note 5 at 66 and 73-75.

³⁴ Interview with kindergarten headmaster, *supra* note 26.

³⁵ RECI report, *supra* note 5 at 80.

³⁶ See e.g. in Dušan Mikušovič, "Európska komisia vyšetruje Slovensko pre diskrimináciu rómskych detí", denníkN.sk, 29 April 2017, available at: <https://dennikn.sk/116652/europska-komisia-vysetruje-slovensko-pre-diskriminaciu-romskych-deti/>

³⁷ Peer Learning Activity, organized by the MESRS and the EC on 26 September 2017 in Bratislava. Reference is given to the presentation of Marián Galan, the Head of the Department of the Regional Education at the MESRS, the Deputy Minister Peter Krajňák and Viera Kalmárová. See also Ria Gehererová, "Nevieme zastaviť diskrimináciu rómskych detí, od Európskej komisie nám za to hrozí žaloba", denníkN, 10 November 2017, online at: <https://dennikn.sk/937967/nevieme-zastavit-diskriminaciu-romskych-deti-od-europskej-komisie-nam-za-to-hrozi-zaloba/?ref=impm>

³⁸ "Ministerstvo pripravilo opatrenia proti segregácii žiakov", 16 June 2017, aktualita.sk, online at: <https://www.aktualita.sk/clanok/277927/ministerstvo-pripravilo-opatrenia-proti-segregacii-ziakov/>

Pedagogic-Psychological Counselling (CPPC). Equally important has been the appointment of Kalmárová on 15 March 2015, who for the first time identified practices of segregation.³⁹ In our interview, she explained: *"clearly we can identify spatial segregation within the schools attended by children from diverse socio-economic environment – residential and symbolic segregation. There are several reasons for this practice. One of the most serious is the lack of measures addressing social exclusion of families, which amplifies prejudice against the Roma minority. Neither the teachers nor the country are prepared for inclusive education (...) There is missing economic and personal support of education for this group of pupils."*⁴⁰

The Main Inspector has been acting by virtue of her office as well as reviewing individual complaints. She has ordered desegregation within schools and repetition of children's diagnostics. In several cases, the Main Inspector motioned the MESRS to remove a school or a diagnostic centre from the list of providers.⁴¹ In cases where changes have not been delivered, she did not have the powers to request that the MESRS initiate legal proceedings for the identified violations. And since the capacities of the Equality Body, the SNCHR, to litigate such cases are limited,⁴² the Main Inspector referred the cases to NGOs to litigate them.⁴³ The Main Inspector also underlined that her performance was limited by budgetary constraints preventing her to hire enough staff members. She also has difficulties in securing an independent psychologist with the required training and practice to participate at inspections. She relies on psychologists from the state body, the Research Institute of Child Psychology and Pathopsychology (RICPP) that, in fact, provides expert guidance to the CPPC, which she inspects.⁴⁴

Second, the MESRS made changes in relation to the definition of and financial support of children from a socially disadvantaged environment (SDE). The Schools Act was amended to stipulate that a child whose special educational needs stem merely from being raised in an SDE cannot be placed into a special school or class.⁴⁵ The MESRS believed that this measure would help to significantly reduce enrolment of pupils from a socially disadvantaged environment in special schools.⁴⁶

Attention should be paid, however, to the implementation of this policy in practice. The MESRS issued an instruction to the CPPC on 3 March 2016 to guide them in diagnostics of children's mental capacities.⁴⁷ The MESRS, in this note prepared by the RICPP, instructed that only three sets of such tests were compatible with the Slovak legislation – WJ IE, WISC-IIISK, SON-3 2 ½-7 and one test measuring the so-called readiness for school that each child undertakes before enrolment into the school. However, even when in compliance with the Slovak standards, the MESRS viewed them as problematic, difficult or

³⁹ See e.g. Monika Komorová and Ingrid Ďurinová, "Školy segregujú potichu a veľmi racionálne", sme.sk, 20 August 2015, online at: <https://romovia.sme.sk/c/7972186/skoly-segrejuju-potichu-a-velmi-racionalne.html>,

⁴⁰ Interview with the Main School Inspector, Viera Kalmárová, prepared for this report on 2 October 2017.

⁴¹ *Ibid.*

⁴² Please see in more details at 31, above.

⁴³ Amnesty International and ERRC, *A Lesson in Discrimination: Segregation of Romani Children in Primary Education* (London, Budapest: AI and ERRC, 2016) at 19, online at: <https://www.amnesty.org/en/latest/news/2017/03/slovakia-unlawful-ethnic-segregation-in-schools-is-failing-romani-children/>

⁴⁴ Interview with Kalmárová, *supra* note 40.

⁴⁵ Point 37 on Para 107 sec. 2, Act No. 188/2015 Coll. amending the School Act, *supra* note 19, with entry into force on 1 September 2016.

⁴⁶ Response of the MESRS to our questions for prepared for this report on 6 October 2017, at 6.

⁴⁷ Ministerstvo školstva, vedy, výskumu a športu, *Postup centier pedagogicko-psychologického poradenstva a prevencie pri posudzovaní školskej pripravenosti detí so sociálne znevýhodneného prostredia – usmernenie*, 4 March 2016, online at: http://www.minedu.sk/data/files/5853_usmernenie_cpppap_diagnostika.pdf

incomplete for testing children from a socially disadvantaged environment.⁴⁸ In addition, the MESRS noted that there were two sets of tests (the Stanford-Binet Intelligence Scale: Fourth Edition (SB-IV) and the Kaufman evaluation battery for children) that may be appropriate; however, there were difficulties in accessing them.⁴⁹ The MESRS accepted that tests may sometimes be insufficient to distinguish mental from social disadvantage. In such cases, children should be considered by default as socially disadvantaged rather than mentally disadvantaged.⁵⁰

The MESRS's instruction acknowledges problems in the use of these IQ tests for socially disadvantaged children. Yet, IQ measurements continue to be used for the separation of children into different types of schools (so-called normal, for talented children or for mentally disadvantaged children). We believe that if Slovakia follows this approach that serves to justify parallel schooling, no progress on inclusion of disadvantaged learners, including Romani children, can be made. As the well-known psychologist Magdaléna Špotáková aptly put it, *"IQ testing is not an objective measurement of some neutral entity. It is a complex social interaction necessitated by a society that projects upon it its values and attitudes."*⁵¹

Furthermore, the MESRS also stopped providing the special subsidy for education of children from SDE (of about 250 EUR)⁵² if placed in either special schools or special classes.⁵³

Available data indicate that these measures has not reduced the overrepresentation of Roma in special schools. The number of children enrolled in special schools and classes in so-called Variant A (for children with light mental deficiencies) has not significantly decreased. In September 2015, it stood at 22,198 children, while in September 2016, it was 21,498 children. The number of special primary schools during the period increased by one and the number of special classes by six.⁵⁴ In our monitored localities, we did not record a single case of any child, once having been enrolled into special schooling, being re-diagnosed and consequently placed into a regular school.⁵⁵

Probably in response to the lack of impact of the adopted measures, in the school year 2016/2017, we have witnessed in numerous localities a significant decrease of children enrolled in variant A (for children with so-called light mental deficiencies). The MESRS has informally confirmed that the RCCP issued a quiet instruction not to place children into variant A until grade 3. The statistical data from 2017/2018 have not been published to quantify the impact of this measure. Generally, we consider this approach insufficient if not matched with individualized support for each child. Without preschool education and

⁴⁸ Výskumný ústav detskej psychológie a patopsychológie, *Metodická informácia pre odborných zamestnancov poradenských zariadení*, (this document is not dated but refers to legislative changes brought by the act 188/2015 Coll.) at 7-9, online at: http://www.minedu.sk/data/files/5854_metodicka_informacia_k_usmerneniu_szp.pdf

⁴⁹ *Ibid.* at 8.

⁵⁰ *Ibid.* at 3.

⁵¹ Magdaléna Špotáková, "Problém diagnostiky vo vzdelávaní rómskych žiakov", in Vlado Rafael ed., *Odpovede na otázky (de)segregácie rómskych žiakov vo vzdelávacom systéme na Slovensku* (OSF: Bratislava, 2011) at 57, online at: <http://www.eduroma.sk/wp-content/uploads/2016/01/desegregacia.pdf>

⁵² Please see in more detail about the subsidy at 58-59, below.

⁵³ Ministerstvo školstva, vedy, výskumu a športu, *Informácia o zmenách v § 107 zákona č. 245/2008 Z.z. o výchove a vzdelávaní (školský zákon)*, v platnom znení, 26 January 2016, online at: <http://www.minedu.sk/data/att/9389.pdf>

⁵⁴ For a simplified overview of data that are rather unclearly listed in yearly schoolbooks of the Slovak Centre for Scientific Information (http://www.cvtisr.sk/cvti-sr-vedecka-kniznica/informacie-o-skolstve/statistiky/statisticka-rocenka-publikacia/statisticka-rocenka-specialne-skoly.html?page_id=9600) please see AI and ERRC, *supra* note 43 at 58-59, online at: <https://www.amnesty.org/en/latest/news/2017/03/slovakia-unlawful-ethnic-segregation-in-schools-is-failing-romani-children/>

⁵⁵ Interview with the special school headmaster (anonymous) prepared for this report on 27 September 2017.

support services at their schools, there is a risk that children will likely fail and eventually end up in the special school track.

Furthermore, addressing segregation through special schooling requires a more comprehensive approach. Several grassroots activists, for example, reported that teachers from a special school recruit children in the settlement, offering not only clothes or other bribes, but showing that they would care about the children. In fact, as the headmaster of one special school noted *"We know what is important for the education of pupils with mental deficiencies enrolled in Variant A. I am very sorry about the pupils"*.⁵⁶ Moreover, financial incentives for sustaining special schools and special classes in regular schools remain in place. The per-child normative rate funding in a special school is on average 1.5-times higher than in the case of a regular school.⁵⁷ Moreover, work with parents should be reinforced to increase their awareness about the limitations of special schooling. For instance, in several of our localities, generations of Roma attended the local special school, which was frequently the closest one. As one of the Romani woman explained: *"It's our gypsy school; I went there, my daughters went there and my grandchildren go there. It's close and it's convenient to us. The children feel comfortable being among their friends. Also, our children do not speak Slovak before going to school."*⁵⁸ There were several attempts to enrol children from this locality into a regular school, but they were unsuccessful. Children simply felt unwelcome and stigmatized. None of the children from this locality, which had a relatively good pre-school infrastructure, ever attended kindergarten to prepare them for a regular school. *"Numerous Romani children stay in special school simply because Romani parents want to protect them (...) It is really difficult for parents because attending school with non-Romani peers increases the chances that they will be bullied and discriminated against"*, noted Vaňová.⁵⁹ Additionally, we find that there is still great misunderstanding among Romani parents about the differences between a regular and a special school. By simply shifting children into schools without a more comprehensive plan of intervention that would also include work with parents and changes in the financing of schools, we believe that children will eventually be excluded or face stigmatization in an environment that does not welcome them.

The third measure concerned the definition of SDE as a basis for a special state subsidy. Replacing the older approach that relied on whether the child's family was in material need, the MESRS instructed schools to have children diagnosed by the CPPC as to whether they are indeed from SDE. Otherwise, they would not be able to draw this funding.⁶⁰ Simultaneously, the MESRS proposed to increase the subsidy from around 100 EUR per child to approximately to 250 EUR per child per year to be channelled to the schools. In its instruction from January 2016, the MESRS underlined that it was not necessary to automatically examine all the children who received such an allowance under the previous conditions, but rather only those who were likely to have special educational needs stemming from social disadvantage.⁶¹

The new definition of SDE requiring diagnostics introduced on 1 September 2015 with entry into force on 1 September 2016 caused chaos and further decreased the quality of already struggling segregated schools. Despite the ministerial instructions not to diagnose all poor children, if regular schools wanted to keep the extra subsidy for assistants and books, they tried to have as many children as possible diagnosed with social disadvantage. They were put under enormous pressure to diagnose children by 15 November 2016, a

⁵⁶ *Ibid.*

⁵⁷ Act on Financing in Education, *supra* note 25.

⁵⁸ Interview with a Romani grandmother, in a town of a size 20 000 residents with a low share of Roma. CVEK, 12 September 2017.

⁵⁹ Memo on special schools prepared by ROMED for this report.

⁶⁰ MESRS 2017, *supra* note 53.

⁶¹ MESRS's response, *supra* note 46 at 2.

deadline set by the MESRS.⁶² However, the CPPC did not have enough capacities for the testing. Moreover, the psychologists did not know the families or their situations well enough to make the assessments. Consequently, siblings living in the same household sometimes ended up with two different “diagnoses”.⁶³ Thus, in school year 2016/2017, almost 35,000 poor children lost the allowance in comparison to 57,000 children in 2015/2016. Despite the increase of the subsidy per child, based on our calculations, the MESRS in fact likely saved more than 500,000 EUR.⁶⁴ NGOs questioned the idea of “diagnosing” poverty. In addition, they also pointed out the already understaffed schools such as in Jarovnice, with a settlement of a few thousand people that lost in 2016/2017 more than 70,000 EUR used for teacher assistants.⁶⁵ The MESRS was thus forced to return to the old approach based on the state of material need. Hence, in addition to those children that were ‘diagnosed with social disadvantage’, schools would receive funding also for those in material need.⁶⁶ The amount of the allowance would not be kept at 250 EUR, but rather calculated based on number of children from SDE using the same annual budget.⁶⁷

The fourth measure to curb spatial segregation limited the placement of a child enrolled in a so-called specialized class (catch-up class) of a regular school to only one year.⁶⁸ In our experience, schools have used specialized classes “to put away” “problematic”, often Romani children while offering no extra support or re-enrolment into her or his regular class. We believe that the idea of separating a child from her or his peers and friends for one year is not a desirable integration measure. The support shall be provided while the child is enrolled in her or his regular class. This measure has not had an impact on spatial desegregation.

Aside from the four legislative measures, the MESRS presents a couple of national projects from ESIF funds among its desegregation efforts. The ‘More Successful at School’ project funds primarily teacher assistants and other supportive school personnel for disadvantaged children – especially those with health disabilities, but also Roma – with a budget of 50 million EUR.⁶⁹ While schools can use the funds for inclusive activities, there is no pre-condition that the school can draw funds only when actively pursuing at least some desegregation measures.⁷⁰

In the past, we have witnessed large-scale projects that did not address segregation of Romani children. Involved schools kept separate classes and in one case even separate entrances for Romani children.⁷¹ NGOs represented in the coordination committee⁷² thus successfully advocated the other key project ‘School Open for All’,⁷³ legally committing schools to take some desegregation measures if seeking funding. In the first year of

⁶² AI and ERRC, *supra* note 43.

⁶³ Vlado Rafael and Marek Szilvási, “Ministerstvo školstva klame EÚ, zo škôl zmizli tisíce chudobných detí”, *dennikn.sk*, 28 February 2017, online at: <https://dennikn.sk/693781/zo-skol-zmizli-tisice-chudobnych-deti/>

⁶⁴ Own calculations.

⁶⁵ Rafael and Szilvási, *supra* note 63.

⁶⁶ Temporary measure 9 f3 of the Act Financing Education, as amended with entry into force on 1 September 2017, *supra* note 25.

⁶⁷ MESRS’s response, *supra* note 46 at 4.

⁶⁸ Para 29 sec. 11 of School Act, *supra* note 19.

⁶⁹ Please see information about the project online at: <https://www.minedu.sk/vyzva-v-zakladnej-skole-uspesnejsi-je-stale-otvorena---nove-termíny-infoseminarov/>

⁷⁰ Please see the call for projects online at: <http://www.minedu.sk/data/att/11871.pdf>

⁷¹ Experience of CVEK during a study visit in Markusovce in 2014. The newly elected Romani mayor Marek Virágy abolished the separate entrances after winning the municipal elections in November 2014.

⁷² Specifically, Jarmila Lajčáková of CVEK, Jozef Miškolci of the Good Governance Institute, Miroslava Hapalová of People in Need and Vlado Rafael of EDU Roma at that time.

⁷³ Please see at 22, above.

implementation, schools should eliminate the most visible segregation practices such as separate canteens or toilets. In the second year and particularly in localities where there is a partner kindergarten, schools were asked to start with desegregation while enrolling children into their first year.⁷⁴ So far, we have noted no efforts in this regard in the studied localities.

We recognize that large-scale projects using EU funds⁷⁵ focused on schools that have a share of Romani children above 20% as required by the School Open for All project may have difficulties to succeed without partnerships with other stakeholders such as other schools in the locality or even in nearby villages, municipalities, local state administrations and NGOs. The project does not plan such cooperation that would allow the placement of multiple disadvantaged children in schools in such a manner where they would form less than 20% of the student body.

Furthermore, efforts addressing spatial segregation should reduce opportunities to reinforce segregation, among other things, through policies on travel cost subsidies. The MESRS funds travel costs for children who do not have a school, or often a lower secondary school (grades 5-9) in their village and thus must travel to another village or often a larger town.⁷⁶ This legislative setup creates an opportunity for municipalities to draw school districts in a way that concentrates marginalized children at a certain school. This is typically possible due to residential housing segregation furthered reinforced by city regulations.⁷⁷ And while Romani parents can in theory – as any other parents – choose another school than the one assigned for their child, their costs for travelling outside their school district will not be reimbursed. Travel costs typically present a significant burden for poor families. There are no measures to influence parental choice and/or motivate schools to enrol students from disadvantaged backgrounds.

Overall, our mapping from 20 localities of various sizes and various shares of Roma population indicates that there have been no palpable changes leading to desegregation. Segregation takes numerous forms, including separate classes, toilets, canteens and lockers. Moreover, since the launch of the EC infringement procedure, the MESRS has co-funded development of container schools in Podsadek,⁷⁸ Muránska Dlhá Lúka, Chminianske Jakubovany, Stráne pod Tatrami and Jarovnice built in close proximity to Roma settlements catering exclusively to Romani children.⁷⁹ The MESRS did not specify whether this is a temporary solution or not.⁸⁰ Furthermore, reports prepared jointly by the ERRC and AI and by EDU Roma⁸¹ indicate that there has been a little progress in an elementary school in Šarišské Michalany that was sued for segregation in 2012. Desegregation in a school in which Romani children form two-thirds of the student body is difficult to achieve without the involvement of elementary schools in nearby towns and villages. One rather

⁷⁴ Document prepared by Jarmila Lajčáková, Jozef Miškolci, Vlado Rafael and Miroslava Hapalová entitled "Národný projekt Škola otvorená všetkým a podporovanie desegregácie rómskych detí vo vzdelávaní", 2 February 2016.

⁷⁵ Please see project *Inclusion of marginalized Romani communities through education of pedagogical staff* (MRK1), online at: <http://eduk.mpc.edu.sk>, PRINED project, online at: <http://prined.mpc.edu.sk>

⁷⁶ Para 3h and 20(5) and (6) of the School Act, *supra* note 19.

⁷⁷ See on this in Jana Huttová, Oľga Gyarfášová and Martina Sekulová, *Segregácia alebo inklúzia Rómov vo vzdelávaní: Voľba pre školy?* (Bratislava: OSF, 2012) at 141 ff, online at: <http://www.globalnevezdelavanie.sk/system/tdf/segregaciainkluziaromov.pdf?file=1&type=node&id=106&orče>.

⁷⁸ Rudolf Sivý, "Segregácia? Štát a Stará Ľubovňa čelia žalobe za školu pre rómske deti", aktuality.sk, 11. November 2015, online at: <https://www.aktuality.sk/clanok/307984/segregacia-stat-a-stara-lubovna-celia-zalobe-za-skolu-pre-romske-deti/>

⁷⁹ TASR, "Na výstavbu modulových škôl v 15 mestách pôjde 3 milióny eur", teraz.sk, 28 July 2015, online at: <http://skolskyservis.teraz.sk/skolstvo/vystavba-modulovych-skol/20624-clanok.html>

⁸⁰ MESrS's response, *supra* note 46 at 7.

⁸¹ Alica Petrasová and Ivan Pavlov, *Príbeh školy v Šarišských Michaľanoch* (EDU Roma: Bratislava, 2017), online at: <http://www.eduroma.sk/wp-content/uploads/2017/08/Pr%C3%ADbeh-%C5%A1koly-v-%C5%A1ari%C5%A1sk%C3%BDch-Micha%C4%BEch.pdf>

worrying development is that a portion of the children from a poor settlement in Ostrovany that falls within the school district of Šarišské Michaľany do not even have access to a regular school as there is not enough capacity for them. The municipality has set up preparatory classes in the local community centre built next to the settlement.⁸² The MESRS, in response to our question regarding the situation in this locality, wrote that the ruling regarding the Šarišské Michaľany's school made them realize that schools require more support from the ministry. Thus, "*since 2012, the ministry has supported the yearly grant scheme – Support of creation of positive social climate and motivation in multicultural classrooms of elementary schools.*" In between 2012 and 2017, the number of supported projects has ranged from 23 to 15. The ministry has allocated between 60,000 EUR and 33,484 EUR yearly.⁸³

We report no progress in addressing the ineffectiveness of the so-called zero class as a tool for integration of Romani children. Similarly, we are concerned that emerging church schools will be supportive of segregation practices, although reliable ethnic data about their student body is not available.⁸⁴ State and municipalities have no authority to regulate school districts for church schools that are, in fact, funded by the state.⁸⁵ In one of the localities with a high share of marginalized Roma, Plavecký Štvrtok, the municipality runs a private school to attract non-Romani children with a monthly fee of 50 EUR to ensure that it is not accessible for poor Romani families. The private school, which features renovated premises, is in the same building as the public school, which has almost exclusively Romani children.⁸⁶ The MESRS argued that "*the private school is in line with the principles of care and education.*"⁸⁷

Furthermore, we believe that schools declaring to be minority Romani schools should be reviewed as to whether the quality of offered education is equal to mainstream schools to ensure that they comply with international human rights standards. There are only a handful of private minority Roma primary and secondary schools set up by foundations or civic associations catering mostly to children from marginalized communities.⁸⁸ Moreover, among the secondary schools is, for instance, a private vocational school that has several so-called branch offices set up next to the Roma settlements.⁸⁹ Providing a few classes of Romani, in some instances, can be used as a cover for actual segregation.

Desegregation Efforts in Žilina

⁸² AI and ERRC, *supra* note 43 at 23-29.

⁸³ MESRS's response, *supra* note 46 at 10.

⁸⁴ See e.g. in on newly established church school catering for non-Romani children in Moldava nad Bodvou, Veronika Prušová, "Riaditeľka rómskej školy, ktorú oddelili plotom. Tu v Moldave si našu prácu s deťmi väčšina neváži.", dennikn.sk, 3 September 2017, online at: <https://dennikn.sk/869344/riaditelka-romskej-skoly-ktoru-oddelili-plotom-tu-v-moldave-si-nasu-pracu-s-detmi-vacsina-nevazi/>. Please see also on the unwillingness of church schools that are in proximity to the Roma ghetto on Bratislavská street in Žilina that completely refused to take Romani children in Ria Gehrerová, "Z detí v Žiline urobili dlžníkov, nemajú za čo cestovať do školy", dennikn.sk, 3 October 2017, online at: <https://dennikn.sk/894430/odomykame-z-detí-v-ziline-urobili-dlznikov-nemaju-za-co-cestovat-do-skoly/>

⁸⁵ See especially para 6 of the Act on Financing in Education, *supra* note 25.

⁸⁶ Silvia Majerová, "Segregácia v Plaveckom Štvrtku. Majú dve základné školy: rómsku a takmer nerómsku", aktualita.sk, 8 October 2017, online at: <https://www.aktuality.sk/clanok/305580/v-dedine-plavecky-stvrtok-maju-dve-zakladne-skoly-romsku-a-neromsku/>

⁸⁷ *Ibid.*

⁸⁸ Private United Schools on Angyalova street in Kremnica, Private Elementary and Grammar School on Galaktická Košice, Eight Year Private Grammar School of Zefyrin Jimenez Malla in Kremnica, Private Education and Social Academy, Jegorovo place Kosice, Private Music and Dramatic Conservatory, Private Secondary Vocational School in Biela Voda, Kežmarok, Private Secondary Vocational School, Budatínska 61, Bratislava. The list of primary and secondary schools that declare to be offering education in Romani in the *Slovakia's Fourth Periodical report presented to the Secretary General of the Council of Europe in accordance with Article 15 of the Charter*, MINI-LANG 2015, 30 March 30, 2015 at 90-91, online at: http://www.coe.int/t/dq4/education/minlang/Report/PeriodicalReports/SlovakiaPR4_en.pdf

⁸⁹ Please see more on this practice at 61-63, below.

The town of Žilina, with a population of 80,000 and share of Roma of up to 1 percent, living mostly concentrated in the urban ghetto Bratislavská, has as of 30 June 2017 due to economic reasons closed its school at Hollého street, which was attended almost exclusively by Romani children. As of September 2017, approximately 60 of the school's children have been distributed to eight elementary schools across the city. Thirteen children that were individually integrated (i.e., diagnosed with light mental deficiency) on Hollého street were enrolled into the special school and the remaining children left the town with their families. From the very beginning, the city of Žilina underestimated the importance of providing supportive measures recognizing the multiple disadvantages that Roma children face, including the poverty of their families, poor access to housing, prejudice shared by non-Roma and disadvantages in terms of previously achieved education.

One of the notable issues have been the costs of transportation to the new schools. While in 2017, the city of Žilina introduced free public transportation for all children and students, it did not apply to those who had outstanding debts for communal waste.⁹⁰ This regulation has become a major obstacle for Romani children from the excluded ghetto on Bratislavská street to travel to their new schools located across the city as of 1 September 2017. Children, who also have become debtors,⁹¹ have accumulated debts for communal waste over the years and thus do not qualify for free transportation. There are other poor children living in Žilina that have outstanding debts and does not qualify for free transportation. However, majority disadvantaged non-Romani children have a walking distance to their school, except for Romani children from Bratislavská. As the cost for monthly travel stands at around 11 EUR, it represents a significant barrier for poor families and their children in accessing education. In September 2017, local activists organized a private donation to fund the first three months of transportation costs for all the children from the closed school.⁹² After rather significant political struggles, on 18 December 2017, an opposition councillor, Ľubo Bechný, with the support of most councillors managed to change the regulation to drop the discriminatory requirement.⁹³

These efforts of the several councillors advocating for children rights were supported by CVEK that has approached the city as early as April 2017. CVEK believed that the Žilina case could become eventually a positive example, noting that often economic rationales may help to start desegregation processes in similar localities across Slovakia. CVEK has decided to assist the city to ensure that this measure that could in fact lead to integration of Romani children into better quality schools and will not cause their exclusion and into the special school. In August 2017, CVEK started to work with three of the schools, first monitoring teaching process in classes where the children were placed, building ties with the parents, sorting out problems with absenteeism and organizing capacity-building programmes for teachers. In November 2017, CVEK introduced study groups where children go to study after school at two of these schools run by volunteers, planning to expand its programme to the remaining schools shortly. The city leadership has also undertaken some positive supportive measures such as enrolment of Roma children into

⁹⁰ Article 5.3 of *Tariff of the Public Transportation in Žilina*, entry into force on 1 September 2017, online at: http://www.dpmz.sk/dokumenty/1502957640_1.pdf

⁹¹ According to the current legislation, municipalities can impose fee for communal waste to each natural person that has his or her temporary or permanent residence in the locality, including children. It also means that while parents are obliged to pay this fee for their child, if they fail to do so, the debtor remains the child. Para 77 section 2a) of the Act 582/2004 on Local Taxes and the Local Fee for Communal Waste, as amended, online at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/582/20160701#predpis.cast-desiata>. It is notable that the Czech Constitutional Court recently stroke down almost identical regulation as unconstitutional. Judgment Pl. US 9/15 of the Czech Constitutional court.

⁹² Gehrerová, *supra* note 84.

⁹³ Resolution from the Municipal Council meeting on 18 December 2017 has not been published during the preparation of the report. Information about this development online at: <https://dennikn.sk/minuta/976622/?ref=mwat>

after-school clubs and younger children from the locality into kindergarten. Based on our experience so far, most of the teachers we have encountered showed both willingness and enthusiasm in supporting the integration of their new pupils. However, it is critical that these processes, even in relatively “easy” cases as in Žilina, are planned and coordinated with all stakeholders, ensuring the existence of support services, including trainings for teachers and very intense field social work to address problems with the rather significant decline in school attendance. Ideally, towns should put in place a system for accompanying children to schools by public transportation or provide school buses. The MESRS provided no support for the town or participating schools.

Avoiding early determination of school career (early tracking)

Tracking of children starts prior to their enrolment into primary school through so-called ‘school readiness tests’. The head of an elementary school or a kindergarten can defer any child that has not reached school readiness.⁹⁴ The state does not prescribe any specific tests. Psychologists typically consider age of the child, physical readiness, motor skills, mental readiness, verbal capacities and social age when assessing the child.⁹⁵ Moreover, they assume that the child will undergo systematic preparation in pre-school.⁹⁶ When performing the testing, the CPPC can recommend enrolment into grade one or a preparatory grade (zero grade), suggest that the child have delayed enrolment by one year or suggest further diagnostics of mental capacities.

This early tracking negatively predetermines the learning paths of disadvantaged Romani children later in their lives. The ERRC and AI, in their recent report, noted that Romani children are almost automatically deferred to zero grade after these tests, if not to special diagnostics of their mental capacities. They reported about cases where, a few months after enrolment into zero grades, without having sufficient time to learn the Slovak language and acquire the expected skills, children were sent for diagnostics of mental disabilities and tracked into special schools.⁹⁷ Yet, while zero classes do not promote integration, as argued earlier, there is another disadvantage. Being already enrolled into such a grade counts towards compulsory education⁹⁸ and thus reduces the child’s chances of completing primary (grades 1-4, ISCED 1) and lower secondary (grades 5-9 ISCED 2) education prior to reaching age 16 while at her or his elementary school. If a child enrolls into zero grade and happens to repeat one grade, he or she is unable to complete all nine years at the primary school on time (i.e., prior to age 16).⁹⁹ The risk to marginalized Roma children to such failure is very high.¹⁰⁰ In that case, he or she can continue merely at two-year study programmes of lower secondary education ISCED 2C.¹⁰¹

Over the last decade, there has been an emerging practice to open lower secondary schools (ISCED2C) as branches of vocational schools next to settlements. Currently there are 68 state and 44 private branch offices of secondary schools. We assess that except for a few that are in prisons, all are located next to settlements.¹⁰² The learning programmes include assistant jobs, often in food and textile production, construction or as mentioned

⁹⁴ Para 19 sec. 4 of the School Act, *supra* note 19.

⁹⁵ Diana Borbélyová a Beáta Špernáková, *Testovanie školskej pripravenosti v pedagogickom kontexte* (Bratislava: Metodicko-pedagogické centrum, 2014) at 25-26, online at: https://mpc-edu.sk/sites/default/files/projekty/vystup/borbelyova_spernakova_3_0.pdf

⁹⁶ *Ibid.* at 17-19 and 23.

⁹⁷ AI and ERRC, *supra* note 43 at e.g. 43.

⁹⁸ Please see also on the enrolment into zero grades as a preferred policy pursued by the MESRS at 55-56, above.

⁹⁹ Para 22 sec. 1 of the School Act, *supra* note 19.

¹⁰⁰ Please see more at 64, below.

¹⁰¹ See Inštitút odborného vzdelávania, *Štátny vzdelávací program ISCED 2C*, online at: <http://www9.siov.sk/statne-vzdelavacie-programy-isced-2c/10802s>

¹⁰² Please see also at 27, above.

earlier, the stereotypical 'Practical Lady' course attended by approximately 600 Romani girls.¹⁰³ Some of these branch offices also offer three-year study programmes of lower secondary education (ISCED3 C). The three-year programme requires the completion of nine grades of primary school. These programmes offer a final vocational certificate that provides better opportunities to find skilled work. There have been some, mostly exceptional, cases where we have noted that children without nine years of completed elementary school have enrolled first into the two-year programme and then, after one year, into the three-year programme. Interestingly, the schools where this has taken place frequently show favourable statistics of the placement of their graduates in the labour market. For instance, based on the official statistics kept by the Labour offices, only approximately 20% of 'Practical Lady' graduates are unemployed. This is because the statistics do not count the recipients of parental benefits (i.e., mothers of children below three) as registered unemployed.¹⁰⁴

There are financial incentives to running these generously financed private and public schools.¹⁰⁵ Most recently, opposition MP Zuzana Zimmenová, based on the Main inspector's review, pointed out disturbing practices in a branch office in Sečovce. Children were routinely diagnosed with mental deficiencies to further increase the state contribution to each child, which was then used to pay for the unusually high rent of a private house in a municipality in eastern Slovakia (almost 900,000 EUR annually).¹⁰⁶

The reasons why Romani students – even those that complete nine years of studies – continue at these segregated branch offices, which are often of questionable quality, are various. The state social stipend at any secondary school is low and amounts to approximately 22-45 EUR per student per month depending on academic performance. This is insufficient to cover the cost of transportation from distant localities or even a dorm room in a secondary school. Moreover, as Zuzana Balážová (Havírová) found in her study, Roma youth simply feel that *"these schools are for them"*. Some of the interviewed students noted that even children completing nine grades of primary school with very good credentials end up in these schools as they follow their friends and peers.¹⁰⁷

In theory, graduates of lower secondary vocational schools could enrol into general or vocational higher secondary schools that finish with 'maturita' (final exam after higher (or completed) secondary education ISCED 3A required for pursuing higher studies). Alternatively, those who have three years completed can pursue additional studies to complete 'maturita'.¹⁰⁸ In practice, however, this is very unlikely as they do not acquire the knowledge and especially confidence and resources to apply to these distant secondary schools attended by non-Romani peers a few years younger than themselves.¹⁰⁹ One rather telling observation comes from a teacher at such a practical school, *"They would like to have 'maturita'. But they do not realize that they need knowledge for that. And they*

¹⁰³ Please see learning programs 2C in textile, 3161F, in the Štátny inštitút odborného vzdelávania, *Štátny vzdelávací program pre skupinu učebných odborov 31 textil a odevníctvo, nižšie stredné odborné vzdelanie 2 C*, online at: <http://www9.siov.sk/statne-vzdelavacie-programy-isced-2c/10802s>, see also AI and ERRC, *supra* note 43, at 44.

¹⁰⁴ Jarmila Lajčáková and Zuzana Balážová, "Vzdelávanie Rómov je nastavené tak, aby neuspeli", *sme.sk*, 23 November 2016, online at: <https://komentare.sme.sk/c/20384073/vzdelavanie-romov-je-nastavene-tak-aby-neuspeli.html>

¹⁰⁵ Normative rate funding per child in these courses is almost twice as high in comparison to regular grammar school. Please see in Zuzana Balážová, *Elokované pracoviská stredných odborných škôl pri marginalizovaných rómskych komunitách: Cesta k začleneniu alebo vylúčeniu rómskej mládeže?* (Bratislava: CVEK, 2015) at 38, online at: <http://cvek.sk/wp-content/uploads/2015/11/Elokovane-pracoviska-final-1.pdf>

¹⁰⁶ Zuzana Zimmenová, "Kto zarába na rómskych žiakoch", blog at *dennikn.sk*, 15 November 2017, online at: <https://dennikn.sk/blog/kto-zaraba-na-romskych-ziakoch/>

¹⁰⁷ Balážová, *supra* note 105, at 25-28.

¹⁰⁸ Vocational schools providing lower secondary education after completion of three or four-year study programs can issue a vocational certificate to perform skilled manual works.

¹⁰⁹ Balážová, *supra* note 105, at 31-32.

do not have such knowledge. And why? Because from grade one, when they enrol into a primary school, there has been an absence of home preparation for school."¹¹⁰

There are very limited studies focusing on secondary education of Romani students. Available qualitative research from the Trnava Self-Governing Region indicate that marginalized children are particularly vulnerable during the transition period from primary to secondary school. The career counselling at primary schools should be greatly reinforced to be sensitive to the multiple disadvantages based on ethnicity, social status and gender that Romani students often feel. Disadvantaged families often do not have sufficient information about studying options after primary school and worry about financial costs. Romani students tend to be steered into programmes based on stereotypes about Roma, preferring three-year study programmes of lower secondary education (ISCED3) to four- or five-year ISCED 3A programmes finishing with 'maturita'. Moreover, teachers at secondary schools noted increased risks of drop-out among disadvantaged Roma enrolled in regular secondary vocational schools when reaching age 16, marking the end of compulsory education.¹¹¹ It is only NGOs, the Roma Education Fund (REF) in particular, that systematically address this problem, providing stipends, mentoring and tutoring while targeting students completing their studies with 'maturita'.

On 1 September 2015, Slovakia introduced a system of dual vocational education. The system anticipates the close cooperation between vocational schools and specific employers that provide on-site training for students, offering some stipends to the students.¹¹² Currently, there are approximately 50 schools with three- or four-year study programmes participating in the dual system, often in the automobile industry or engineering. Some schools are in areas where marginalized Roma live.¹¹³ The dual system could be potentially beneficial for Romani students, helping to reduce discrimination barriers in the labour market. Indeed, in one of the localities in the western part of Slovakia, we encountered a positive example of cooperation between the secondary vocational engineering school in Skalica¹¹⁴ and the Ina Schaeffler Group, which involves Roma in the production of parts for the automobile industry.¹¹⁵ Students who wish to study at this school must complete nine years of elementary school and pass admission exams in maths and Slovak language. This rather competitive school also takes into consideration the results from grade eight and nine of elementary school.¹¹⁶ Several Romani students from this area have successfully pursued their studies and later found permanent work at the Ina factory. However, Roma living in this region do not suffer from the levels of exclusion experienced by communities in the eastern and central parts of the country. In the more frequent case of disadvantaged Roma having difficulties to complete nine grades with excellent or above-average results, these schools remain out of reach.

Eliminating grade repetition

Slovakia does not gather ethnically disaggregated data revealing the academic performance of Romani pupils. However, statistics based on administrative units indicate a significantly higher portion of pupils repeating grades in areas with marginalized Romani communities. These statistics show that children experience failure very early in their

¹¹⁰ Reproduced in *ibid.* at 32.

¹¹¹ Jarmila Lajčáková, *Rovné šance I: Podpora stredoškolského vzdelávania rómskej mládeže prostredníctvom dočasných vyrovnávacích opatrení* (Bratislava: CVEK, 2015) at 17-26, online at: <http://cvek.sk/wp-content/uploads/2015/12/Rovne-sance-1.pdf>

¹¹² Act No.61/2015 Coll. on Vocational Training, as amended, online at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/61/20160101>

¹¹³ Please see the list of participating schools and employers online at: <http://www.dualnysystem.sk/Dokumenty/Zoznam%20skol%20a%20ucebnych%20odborov%20v%20NP%20Dual.pdf>

¹¹⁴ Please see online at: <https://sosskalica.edupage.org>

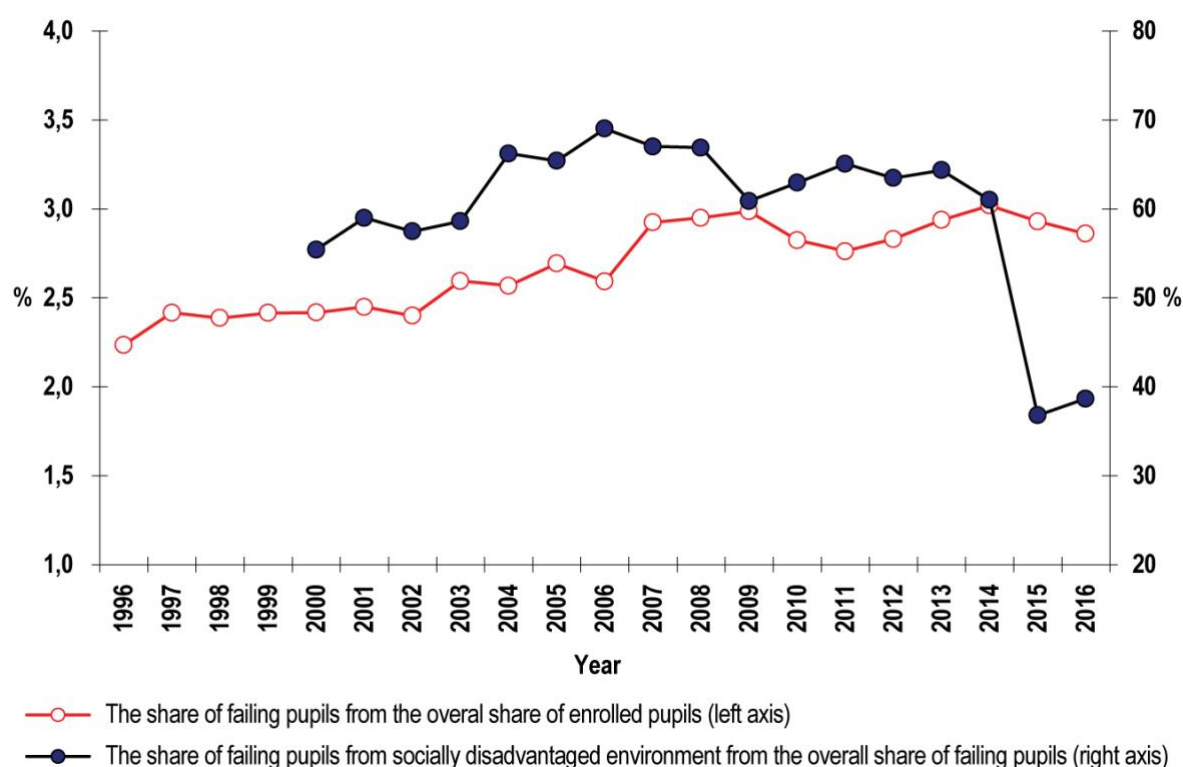
¹¹⁵ Please see online at: <https://www.schaeffler.sk/content.schaeffler.sk/sk/company/company.jsp>

¹¹⁶ Please see online at: <https://sosskalica.edupage.org/text1/?>

school career. For instance, in the 2015/2016 academic year, 32.7% of the first-graders failed in the Spišská Nová Ves district. In Michalovce it was 24.81%, in Trebišov it was 18.33% and in the greater Kosice area it was 18.25% of children in their first year. Disturbingly, some children experience failure even in the zero grade. In the Košice region, for example, 3.71% of children enrolled in zero grades had to repeat. In the greater Kosice area, with several extremely marginalized settlements, the share was at 7.09%. Overall, children are slightly more likely to fail at the primary level, i.e., grades (0-4) than at the lower secondary level (grades 5-9).¹¹⁷

Long-term data indicate that the existing strategies and their rather small scope have failed to deliver significant improvements in terms of reduction of grade repetition of socially disadvantaged children:

**THE DEGREE OF SHARE OF UNSUCCESSFUL PUPILS IN REGULAR CLASSES OF ELEMENTARY SCHOOLS
from 1996 – 2016: (grades 1 – 9 total), Source CVTI 2016**



Source: Centre for Scientific Information (CVTI), Ministry of Education

As explained above, legislative changes in relation to the SDE introduced on 1 September 2015 lead to the decrease of children with SDE by half.¹¹⁸ Hence the drop in 2015 can be assigned to the changed methodology towards SED. The share of the Romani population is assessed to be between 7-8% of the overall population.

¹¹⁷ Please note that the Slovak Centre of Scientific and Technical Information gathers data as of 15 September each school year. This information includes also data on pupils that had to repeat their grades as of 31 August. The data gathered on 15 September 2017 have not been published during the preparation of this report. The most recent information about the share of children that had to repeat their grade was from 31 August 2015. Information is available at: http://www.cvtisr.sk/cvti-sr-vedecka-kniznica/informacie-o-skolstve/statistiky/statisticka-rocenka-publikacia/statisticka-rocenka-zakladne-skoly.html?page_id=9601

¹¹⁸ Please see changes in definition of social disadvantaged that caused the drop in the number of registered children as socially disadvantaged in section on in education at 56-57, above.

Aside from introductory adaptation training for fresh teachers, there is no compulsory continual education for teachers. Available training courses that are provided by the Method-Pedagogic Centre (MPC) are voluntary.¹¹⁹ Teacher training has been one of the main components of large-scale national projects funded by ESF.¹²⁰ Participating teachers have reported improved academic performance of their pupils. However, this has not been evaluated independently and/or through a longitudinal study.¹²¹ Furthermore, the Main Inspector cautions that on average only one-third of teachers participating in continual training programmes focusing on innovative teaching strategies use them in practice. Teachers also paid the least attention to the development of critical thinking and to cooperative teaching while preferring conventional frontal teaching strategies.¹²² The study programmes that the Main Inspector reviewed lacked programmes sensitive to the specific social, cultural and linguistic needs of disadvantaged Romani children. Kalmárová noted that the teachers identified multiple deficiencies on the side of the children and their families such as absenteeism, low hygiene, poor conditions at home for school preparation, failure to attend pre-school education, or so-called 'inadaptability'. Teachers did not point out a single barrier that the school setting may present for marginalized learners.¹²³ NGOs have tested teaching and stimulating methods such as the Step-by-Step method or the Feuerstein Method of Instrumental Learning in disadvantaged settlements that have visibly improved the academic performance of Roma children.¹²⁴ None of these methods that can be used by teachers have been scaled up.¹²⁵

Schools clubs provide an opportunity for children to complete their assignments with the support of teachers and to catch up with their studies after formal education ends at noon or in the early afternoon.¹²⁶ According to the ministerial regulation, parents pay up to 6.78 EUR a month per child for school clubs. Schools or towns/municipalities can exempt children whose families are in material need from this fee.¹²⁷ There are no data on the share of Romani or socially disadvantaged children attending the clubs. The Main State School inspector, in her recent review of 35 schools, found that Roma children attend these clubs only very rarely.¹²⁸ In our review of the monitored localities, enrolment in school clubs has been different in each locality: in one, all Romani children attended school clubs, likely because they were integrated in regular schools with non-Romani peers. In another locality, typically only Romani children studying at integrated schools whose parents were employed attended the clubs. Children from segregated schools whose parents were on parental leave or unemployed left after the formal education. In some of the smaller villages with excluded communities, none of the Romani children attended the club. In the case of Žilina discussed earlier, outreach to Romani parents was key to

¹¹⁹ MESRS's response, *supra* note 46 at 3-4.

¹²⁰ Please see in more detail at 22, above.

¹²¹ *Evalvačná správa z projektu PRINED – Projektu inkluzívnej edukácie* (Prešov: Metodicko pedagogické centrum, 2015) at 23-24 and 67, online at: <http://prined.mpc-edu.sk/index.php/na-stiahnutie>

¹²² Štátna školská inšpekcia, *Správa o vplyve kontinuálneho vzdelávania na kvalitu výchovno-vzdelávacieho procesu v základných školách, v školskom roku 2016/2017* (Bratislava, 2017), at 3, online at: http://www.ssiba.sk/admin/fckeditor/editor/userfiles/file/Dokumenty/SPRAVY/2017/SS_KV_ZS_2016_2017_SR.pdf

¹²³ Štátna školská inšpekcia, *Správa o stave vytvárania predpokladov na zabezpečenie inkluzívneho vzdelávania pre žiakov zo sociálne znevýhodňujúceho prostredia v základných školách v školskom roku 2016/2017* (Bratislava, 2017), at 2-4, online at: https://www.ssiba.sk/admin/fckeditor/editor/userfiles/file/Dokumenty/SPRAVY/2017/UZP_Inkluzia_ZS_2016_2017.pdf

¹²⁴ Step-by-step has been implemented by School wide Open and the Feuerstein method by ETP Slovakia, please see online at: <http://etp.sk/ucime-sa-ucit-sa/>

¹²⁵ For example, in the large scale national projects supporting inclusion, see on this at 58-59, above.

¹²⁶ School clubs are regulated by the directive of the MESRS, No. 306/2009 Coll. On School Clubs, Children Centres for Leisure Activities, online at: <https://www.minedu.sk/data/att/654.pdf>

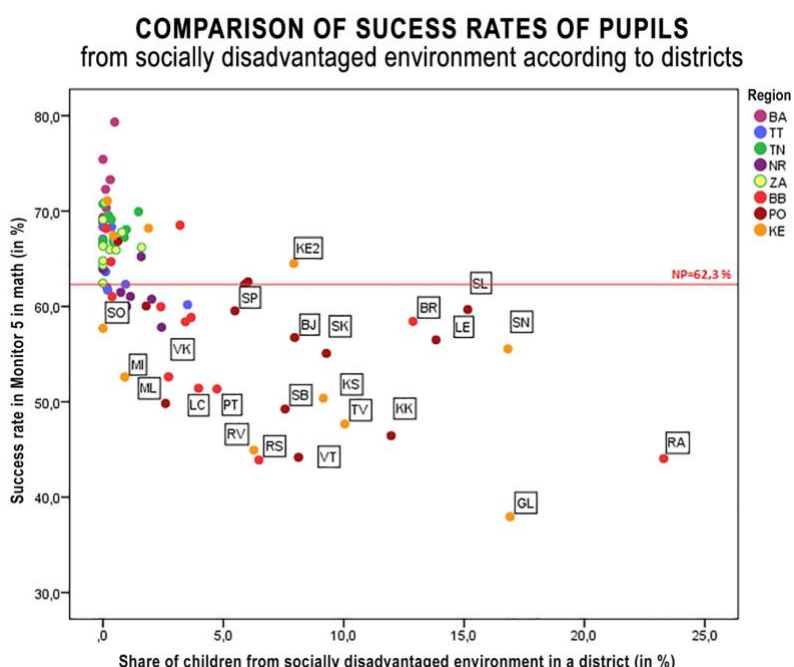
¹²⁷ Information is available at the Central Information portal of MESRS, online at: https://www.iedu.sk/zivotne_situacie/prispevky_a_poplatky/Stranky/Školskéklubydet%C3%AD.aspx

¹²⁸ Štátna školská inšpekcia, *supra* note 123 at 3.

promoting enrolment as parents had not been aware of this opportunity and free access for poor children.¹²⁹

Targeting disadvantaged schools

Slovakia ranks significantly below the OECD's average in PISA testing in reading, scientific and mathematical literacy. Data comparisons between 2012 and 2015 indicate that the decrease in educational outcomes is steeper than the OECD's average. Furthermore, in both measurements, Slovakia ranked among the worst off in terms of educational equity. A child's socioeconomic background very strongly predetermines her or his academic performance.¹³⁰ Slovak national testing of fifth graders in math and Slovak language captures the same pattern. In districts with large socially disadvantaged populations, children perform significantly below the national average. The state authority reports that the correlation between succeeding in mathematics and the share of people living in poverty is enormous ($r=-0,689$). In the Kosice, Prešov and Banská Bystrica regions, children from a socially disadvantaged environment got significantly worse results than their socio-economically better-off peers. In 2016, schools with lower share of poor children greatly outperformed schools that have a higher share of children from SDE.¹³¹



Available reports¹³² and our experience suggests that teachers at disadvantaged schools are often doing their best considering the circumstances. However, without any support, teachers simply burn out and feel demotivated. Some espouse anti-Roma stereotypes. The state provides merely the financial subsidy for children from SDE as explained above, which is far from sufficient.¹³³ A portion of the disadvantaged schools are furthermore targeted via the mentioned national projects from ESF; however, not on a continual

¹²⁹ Please see in section at 60-61, above.

¹³⁰ Please see an overview of Slovakia's data at online at: <http://www.oecd.org/slovakia/pisa-2015-slovak-republic.htm>

¹³¹ Press release of NUCEM, National Institute for Certified Educational Measurements, Results of T5 in math in 2016, online at: http://www.nucem.sk/documents/46/testovanie_5_2016/tlacova_sprava/T5-2016_TS_Pr%C3%ADloha_1.pdf

¹³² See e.g. in AI and ERRC report, *supra* note 43 at 26-27 and 34, Petrasová and Pavlov, *supra* note 81 at 22 ff, online at: <http://www.eduroma.sk/wp-content/uploads/2017/08/Pr%C3%ADbeh-školy-v-Šarišských-Michaľanoch.pdf>

¹³³ Please see at 56-57, above.

basis.¹³⁴ Since 2015, the MESRS has been directly funding an NGO project called Teach for Slovakia targeting these schools.¹³⁵ The project sends recent graduates and professionals (preferably not teachers, but rather professionals from other areas such as lawyers, accountants, journalists, etc.) for two years into disadvantaged schools to 'inspire and motivate' Romani children. The programme participants initially receive intense training for about six weeks in innovative teaching strategies. Approximately a few dozen professionals teach at disadvantaged schools for two years at a time. The programme participants receive a wage as regular teaching staff from the state budget and additional benefits funded by the state and private donors.¹³⁶ This programme, which is the Slovak outlet of the US programme Teach for America, however, is more accurately viewed as leadership training¹³⁷ for professionals rather than as a systemic measure increasing the quality of disadvantaged schools.

In the debate about desegregation and targeting of disadvantaged schools, we would like to point out that state authorities have not ventured into integration plans that would consider larger territorial units allowing desegregation. The case of the closed segregated school in Žilina - driven by municipal economic incentives rather than human rights concerns - indicates that such a plan requires specific governance on the part of multiple stakeholders as well as their cooperation.

¹³⁴ Please see at 22, above.

¹³⁵ Please see some of the contracts between MESRS with NGO called Manageria, online at: <https://www.crz.gov.sk/index.php?ID=2098470&l=sk> and at: <https://www.crz.gov.sk/index.php?ID=2712705&l=sk>.

¹³⁶ Please see information about the project at <http://www.teachforslovakia.sk/naicastejsie-otazky/>

¹³⁷ Please see: "why to enroll into the program question" online at: <http://www.teachforslovakia.sk/naicastejsie-otazky/>

Comprehensive local case studies

Veľký Krtíš: An example of Roma Participation



Executive Summary

The case study focuses on the mid-size town of Veľký Krtíš. The municipality presents a rather conventional approach of town leadership; at best, under the pretences of the 'colour-blind' policy, the municipality does not oppose to the activities of the local NGO. At worst, the town even adopts measures that indirectly discriminate against Roma to prevent their access to some public spaces. The case study thus illustrates that there are serious limitations in terms of the implementation of the NRIS at the local level – its implementation is completely left to the good will of municipal and state authorities. The only agent that in fact works towards implementation is the local NGO and, to some extent, schools. However, this locality also presents a unique model of Roma participation and even empowerment in housing and community services. By providing maintenance services for 10 building units with almost 1,000 inhabitants, they have achieved visible changes, especially in housing and education, that in fact contribute to the implementation of the NRIS's objectives. The main driver of change in this locality has been a Roma NGO called the Community Centre of Minorities (CCM), led by Adrián Berky and Janette Knapková since 2004. Overall, the case study thus illustrates both the potential and limits of local non-state actors in delivering change under the conditions of limited efforts by the municipality.

Methodology

The methodology for the case study has been prepared by CVEK and included a list of questions prepared for each type of respondent during semi-structured interviews.

Knapková and Berky conducted interviews with the director of one of the kindergartens attended by Romani children, the director of one of the elementary schools, Romani and non-Roma parents of children attending kindergarten, Romani and non-Roma parents of children attending regular school, Romani parents of children attending special school, a paediatrician and four clients living in the housing that the CCM maintains. In total, we have prepared 12 interviews. The town leadership as well as the headmaster of the special school chose to respond in writing. In addition, the case study was prepared based on experiences and views of Knapková and Berky, who prepared a draft of the case study, further revised and completed by Jarmila Lajčáková with additional desk research.

Introduction

Veľký Krtíš is a town with a population of almost 12,000 located in south-central Slovakia, not far from the Hungarian border.¹ Based on economic and employment statistics, it ranks among the least developed districts of Slovakia.² Average unemployment in 2016 was at 22%.³ The city's plan of development lists among its main challenges negative demographic growth, high unemployment rates and a mismatch between the qualifications of its residents and those sought on the labour market. In addition, the city also reports among its negative trends the movement of highly educated and skilled workers to other more affluent areas of Slovakia.⁴ According to the Atlas of Roma Communities, the share of Roma in Veľký Krtíš is at 13.2%.⁵ According to the CCM's assessment, about 98% of Roma live concentrated in five of the city's streets in second- and third-category blocks of flats built in the 1950s without central heating. With an exception of four units, all are now owned by the families living in them. Unemployment among the Roma is at 80% and most of them have completed only primary education.⁶ The case study first discusses housing, followed by policies in education and health, followed by a conclusion and recommendations.

Housing

The NRIS adopted in 2012 sets out as its main objectives improvement of access to housing – especially social housing – and reduction of segregation. Also, the NRIS has sought to reduce inequalities between Roma and non-Roma in access to basic infrastructure such as water, sewage and electricity.⁷ Measures listed in the NRIS are mostly tasks associated with addressing situations in segregated settlements such as legalization of land and houses as well as development of social and transitional housing.⁸ The activity of the CCM, which started eight years before the adoption of the NRIS, was rather pioneering in the sense that it prevented evictions and the creation of illegal settlements, a trend that we can observe in other localities, especially in Košice and Luník

¹ Information available at the web site of the city, online at: <http://www.velky-krtis.sk/zakladne-informacie.phtml?id3=12027>.

² Please see information about the initiatives of the government in the so-called least developed districts in Slovakia at the web site of the Government Plenipotentiary for the Least Developed Districts, online at: <http://www.nro.vlada.gov.sk>.

³ Statics kept at the labour office, provided by the CCM.

⁴ The plan of Economic and Social development of Veľký Krtíš for 2017-2023, at 11 ff, online at: <https://www.google.sk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwiE2bTZ4IHYAhXBbVAKHQPCBIOQFggwMAE&url=https%3A%2F%2Fwww.enviroportal.sk%2Ffea%2Fdokument%2F233482&usq=A0vVaw1PdHBK3c0KuSYGeM2qQf7U>

⁵ *Atlas rómskych komunít na Slovensku 2013* (UNDP: Bratislava, 2013), online at: https://www.minv.sk/?atlas_2013

⁶ Mapping of the CCM prepared for this report.

⁷ Strategy of the Slovak Republic on the Integration of Roma until 2020, government resolution 1/2012 of 11 January 2012, part D.2.4 housing, online at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=20646>

⁸ *Ibid.*

IX. Instead, the CCM set Roma inhabitants on a path leading to reduction of debts, improvement of housing standards and, saliently, secure ownership of their flats.

In 2004, the housing comprised 10 city-owned buildings, which were neglected and in poor shape, missing some of the doors, windows and the like. The CCM started up with a programme of caretakers and house janitors, who took charge of individual house units. The caretakers were selected from inhabitants who were interested in participating. The CCM convinced the city leadership that the care takers could be remunerated through the reduction of their housing fees, sometimes by 100%. The programme sought to engage Roma residents to be able to help themselves in improving the quality of living standards in the apartment buildings. The programme should also improve the surroundings and reduce debts associated with housing. For each unit, the CCM started with the preparation, in a participatory manner, of simple plans consisting of a detailed set of rules assigning weekly cleaning tasks divided between each flat owner, agreeing both on rewards and penalties. As explained by Knapková, *"some families were following the plan, cleaning the steps and entrances, while criticizing others who were neglecting these tasks, seeing it as rather unjust. We thus agreed on fines for those not participating that were used to buy cleaning detergents. And the motivation was rather simple. People wanted to live in a nice environment."* The CCM also actively sought funding for all the necessary tools and repair materials and organized removal of waste gathered inside and outside the housing. While the city, which owned the buildings at that time, was not willing to invest any significant funds into the repairs, it took some time; they were finally able to draw some funding from the Ecopolis foundation using EEA grants in around 2008-2009. On a daily basis, the CCM oversees the work of the caretakers and monitors the delivery of agreed plans and schedules. The CCM also organizes regular meetings with residents to discuss its progress and agree on fines for those failing to participate in this communal planning. The CCM has also facilitated the preparation of reasonable payment calendars for outstanding debts with the municipality, monitoring their fulfilment. These measures immediately lead to a palpable increase in quality of housing, of the surrounding area and debt reduction. While in 2004, 99% of flat owners had debts for rent, in 2009, 30% of the owners had completely got rid of their debts and, in fact, could afford to buy their flat for a reasonable price from the city.

In 2008, the city sold the remainder of the flats (approximately 50 units) to a private investor planning to evict the indebted residents. However, recognizing these threats, the CCM negotiated with the private owner, eventually convincing him by proposing that they would take the responsibility for house maintenance, ensuring that residents paid their debts as well as rental fees on time. They managed to convince the investor not to increase the rental fees, not to impose high penalties on late payments and to stop the evictions. Knapková and Berky set up a non-profit organization Centre for Community Maintenance that took over the maintenance of all units (i.e., those owned by individual families as well as the private company). Over time, through intense community and social field work, the CCM managed to help almost all the tenants to buy the flats. During this period, the CCM organized several renovations, including replacement of entrance doors and of roofs. The CCM, with the help of caretakers and residents, made visible improvements to the surroundings by planting trees, installing seating areas and building playgrounds. The housing fees are reasonable and amount to approximately 50 EUR (for maintenance, contribution to the repair fund, lighting in common areas, water) in addition to electricity (depending on the unit, approximately 20-30 EUR a month) for those owning a flat. Those that rent their flat shall pay an additional 47 EUR rental fee. Families that are in material need can pay for these costs with the help of the housing allowance provided by the state, which amounts to approximately 90 EUR.⁹ During this period, the private owner evicted only two families, who, despite all the efforts of the CCM, were not willing to pay for their flats and in fact moved in with their families in nearby towns.

⁹ Please see in more detail about the housing allowance at 33, above.

However, as Knapková, one of the leaders of the CCM, acknowledges, the housing remains isolated from the rest of the town. She also notes that streets where Roma live are often left out from the city's renovation plans – for instance, city sidewalk repairmen never reach out to their area. Also, the CCM has frequently confronted stereotypes among construction companies not willing to be hired for housing renovations in this area. The CCM has thus built relationships over the years with individual workers and professionals who help with the repairs and renovations. By and large, these almost 15 years of community and social field work services, including maintenance of houses, have not only improved the quality of housing but more importantly empowered the Romani families to be able to help themselves. One of the interviewed flat owners reported being content with the housing, which costs them 50 EUR a month in addition to electricity. As both she and her husband have permanent jobs, such a fee is reasonable. One of their children attends a regular school and the younger one attends the city's kindergarten. A monthly fee for flat tenants amounts to 70 EUR. Generally, both tenants and owners appreciate the work of the CCM, recognizing that the town does not pay attention to their case and calling Knapková and Berky "*people who are here for us*". For most Roma in Veľký Krtíš, it is the only housing option. For Roma families, it is almost impossible to find commercial rental or buy a flat among the non-Roma, very often being confronted with anti-Roma sentiments or even a petition. The city has no plans to invest into social housing. In fact, 16 recently built social flats close to the town were sold last year to a private company that plans to turn them into rather expensive accommodation with monthly maintenance and rental costs amounting to 320 EUR.

Education

In the area of education, the NRIS sets out as its main objectives improvement of pre-school attendance and educational outcomes of Romani children. Among the priorities is reduction of Romani attendance in special schooling.¹⁰ In practice, the policies and practices of the municipality and its kindergartens and schools again indicate that fulfilment of these objectives is to a large extent left to their willingness to participate in ESF programmes. And similarly, as in the case of housing, it is mostly the NGO that is the driver of positive changes. For instance, when it comes to preschool facilities, kindergartens engage in no special outreach to Romani parents. By contrast, the CCM supports their clients also in education, particularly through outreach to Romani parents to support enrolment of their children into kindergartens.

In the 2015/2016 school year, out of approximately 304 children attending the city's kindergarten, approximately 20% were Romani. These are typically children from better-off families that are able to gain extra income, typically through seasonal work. There is a significant monthly fee in the kindergartens that prevents more massive participation of Romani children in preschool education. For instance, there is a 5 EUR monthly fee required informally as a sponsorship requirement that is a significant barrier for the poorest families in material need. In addition, parents are required to pay for meals and other fees that can total up to 80 EUR a month if families are not in material need. Such fees are high for families where parents work for a minimum wage of approximately 430 EUR a month.¹¹ The kindergartens have also introduced a monthly fee of 120 EUR for children younger than three years, making it completely inaccessible for Roma children below age of three. While the CCM engages in outreach activities to support enrolment into preschool, there is a high drop-out rate after the first month due to hidden costs such as those for toiletries, extra shoes or trips. One of the interviewed kindergarten directors noted that one of the barriers remains the weak engagement of Romani parents, saying "*parents do not respect the instruction of our teachers*". Interestingly, the kindergarten has another available 60 places that could be filled. At the same time, she notes that one

¹⁰ NRIS, *supra* note 7, part D.2.1 education.

¹¹ This is so called gross minimum wage, meaning the employee, in fact, receives 374 EUR. Please see information online at: <http://www.minimalnamzda.sk/2017.php>

year of pre-schooling is insufficient to ensure a good start at primary school. Interviews with both Romani and non-Romani parents revealed that pre-school education is a suitable place for integration, apt for anti-prejudice education of both children and parents. The new state subsidy for children whose families are in material need amounts to approximately 164 EUR a year per child paid to the school, approved by the parliament with entry into force on 1 September 2018, in theory provides an opportunity for kindergartens to reduce the hidden or official payments for poor children.¹² However, again this depends on their willingness to actively recruit poor children.

Through the conscious decision of the elementary schools, Romani children enrolled into the three primary schools are not segregated or concentrated at just one of the schools, as is often the case in similar localities. Each year, though not exactly framed in human rights terminology, schools make a conscious decision on the number of incoming Romani children to ensure that they are evenly distributed. According to interviews with teachers, this decision is driven by the school's concern that an increased share of Romani children may prompt "white flight" of non-Romani children. The school that has the highest share of Romani children, at around 20 to 30% (including Romani children from nearby villages), employs a couple of specialists in special and social pedagogy. The school would welcome teaching assistants to help with approximately 30 children who are individually being integrated (i.e., following a curriculum of a variant A special school intended for children with so-called light mental deficiencies, but enrolled into a regular school). Interestingly, while the school would welcome teacher's assistants, it has not applied for additional funding available through, for example, the National Project School Open for All, which supports such teaching staff in inclusive practices.¹³ As explained by Knapková, *"schools simply are somehow not interested, claiming that they have no-one to administer the project."*

Implementation of tasks arising from the NRIS and its action plan – which has mostly been through these types of projects – is completely left to the good will of municipalities and states. And while regular schools reject segregation, in the long run, improved capacities of teachers in educating in a diverse setting may reinforce their ability to fully include disadvantaged learners, including Roma. And one of the areas that requires attention is special education. In Veľký Krtíš's special school, according to the assessment of the director, more than 50% of children in the school are Romani. In our view, the share is likely higher – above 80%. In 2014/2015, out of 81 pupils, 68 children were enrolled in Variant A for children with light mental deficiencies. However, this year, likely because of an informal instruction issued by the MESRS, there are no children enrolled in Variant A.¹⁴ The situation in Veľký Krtíš is indicative of general trends in Slovakia, with rarely any children being diagnosed after enrolment and integrated into regular schools. The headmaster argued that she believed that special needs children require an individual approach that cannot be expected in regular schools.¹⁵ In an interview with a parent who has several children enrolled in this school, it was revealed that these parents had not been informed that their children were diagnosed while still in regular schools. Only after the tests were the parents addressed by the elementary school with a proposal to have their child placed in a special school. The CCM's leaders believe that children from socially disadvantaged environment who did not attend kindergarten have major difficulties in keeping up with regular schooling and are at a higher risk of repeating grades. Moreover, regular schools only rarely try to reach out to parents with an early warning in order to engage them and ensure support services for the child. Typically, parents are confronted with problems when a decision to be enrolled into a special school is presented to them.

¹² Please see in more detail at 52, above.

¹³ Please see in more detail at 22, 52 and 57 above.

¹⁴ Please see in more detail at 55-56, above.

¹⁵ Written response of the head master of the special school prepared for this report.

Interviewed Romani parents reported that the special school is 'nicer' to them and their children.

The CCM provides activities also with regard to social services in cases of absenteeism or other school-related problems. The CCM cooperates with REF, administering stipends for Romani high school and university students. In 2016/2017 they administered 37 stipends (30 for high school students and seven for university students). In the 2017/2018 school year, it is 17 high school and five university stipends. The CCM, by working with the supported students, thus actively raises awareness among children completing elementary school to apply, especially to the academic secondary schools ('gymnasium'). Knapková and Berky believe that this peer-to-peer activity is one of the reasons behind the positive trend in enrolment of Romani children from regular school into secondary schools, especially into four- or eight-year¹⁶ secondary schools that represent a gateway to university education. Currently, there are 10 Romani children at the academic secondary schools and an additional 18 in four-year study programmes at the vocational secondary school, which features completion with the 'maturita' final exam that allows the student to continue at university.

Health

The main goal of the NRIS in the area of health is the reduction of health inequalities and improvement of access to healthcare services.¹⁷ Since Roma in Veľký Krtíš live in a town, they have good physical accessibility to healthcare services. The CCM, which joined the project of health mediators,¹⁸ works to improve not only physical accessibility but also real access to such services, especially by raising awareness about the importance of regular check-ups and vaccinations. The CCM joined a large project of health mediators as early as in 2014, and has one healthcare assistant of Romani origin in the city and another 12 Romani mediators in other small municipalities who work in the larger district of Veľký Krtíš. Currently, there is one healthcare assistant employed by the "Healthy Regions" agency of the Ministry of Health that runs the project working in the city.¹⁹ An interviewed doctor praised the work of the mediator especially in ensuring that children are vaccinated as the share more generally decreases.

Conclusion and recommendations

The CCM draws funding for their community from the national project supporting such centres for crisis interventions, which allows NGOs to directly apply for funding.²⁰ This, along with the work of health mediators, is the only activity that can be directly linked with the implementation of the NRIS. This illustrates that in practice, implementation of the NRIS is left to the willingness of municipalities and also NGOs to deliver the positive changes.

In the case of Veľký Krtíš, the main driver of change is a Romani NGO that is confronted with limited, or sometimes even discriminatory activity of the city. As discussed in the chapter on non-discrimination, the municipality introduced so-called city cards that prevent those with debts towards the municipal budget, mostly for waste, to benefit from access to playgrounds and other public sport and leisure facilities.²¹ The municipal leadership noted in their response that they treat Roma identically as any other residents. However, the city in fact at times not only fails to recognize the disadvantaged situation

¹⁶ Eight-year secondary programme starts at grade 5.

¹⁷ NRIS, *supra* note 7, part D.2.3 health.

¹⁸ Please see in more detail at 24, above.

¹⁹ *Ibid.*

²⁰ Please see in more detail at 21-22, above.

²¹ Please see in more detail at 33, above.

of most its Roma residents but also indirectly discriminates against them in accessing municipal services through these cards.

It appears that while the NGO has been able to make a significant improvement over the years in the quality of living, without municipal involvement, it is unable to get further beyond segregated housing to facilitate inclusion of the residents in Veľký Krtíš. For example, a family that successfully applied for a mortgage to buy a flat in another part of the city, eventually had to drop this plan because of hateful petitions from its future neighbours. And this is where major work on addressing anti-Roma sentiments and promoting access beyond the separated area must be delivered by the municipality. For instance, the city could introduce a housing programme that would allow Roma to move outside five streets of their 'traditional' neighbourhood could be a path forward to residing in flats in other areas of Veľký Krtíš. Moreover, given the relatively positive outlook in areas of education, the city could have rather easily made significant progress by increasing pre-school education and the quality of teachers by, at a minimum, joining the existing wide-scale programmes.

For policy makers at the central level, Veľký Krtíš need not be only a sad reminder of the limited impact of their actions in this context, but an inspiring model of caretakers who engage with the community that in fact works as a solid preparation for inclusive housing, which according to the CCM cannot happen without such service. Indeed, recognizing the value of their experience and practice, GPRC Ravasz recently approached Berky and Knapeková to prepare specific guidelines for field social work in housing that could be replicated in other localities. The preparation of such guidelines is anticipated by one of the tasks in the NRIS's action plan on housing.²²

²² NRIS, *supra* note 7, part D.2.4 housing task 3.1.1.

Hlinné: Long-term Efforts of Municipal Leadership



Executive Summary

The case study of the Hlinné municipality, a mid-size municipality in eastern Slovakia, shows that long-term and committed leadership on the part of a mayor may deliver palpable improvements to the quality of living standards of a previously excluded community. While focusing in particular on housing, education, social services and Roma empowerment, the case study illustrates how energetic and skilled mayors can utilize state policies and funds and work towards the implementation of the NRIS. It also reveals that mayors pragmatically opt for improvement of Roma housing in the existing separated setting that would be difficult to politically challenge. The case study illustrates that even the different kinds churches, which are very active in Hlinné and other localities, accepts ethnic divisions. The mayor hopes that the ethnically mixed kindergarten can provide a venue for integration. However, the failure by central authorities to systematically address segregation in education in practice prevents villages such as Hlinné from truly promoting the inclusion of Roma beyond kindergarten and improving their educational outcomes.

Methodology

The methodology for the case study was prepared by CVEK and included a list of questions prepared for each type of respondents using semi-structured interviews. Jarmila Vaňová, who prepared the case study, followed the methodology in her interviews with the mayor, two social field workers, the headmasters of the kindergarten, the headmasters of the schools in Hlinné and Sol', two Romani families with children enrolled in kindergarten in these schools as well as those that did not have children enrolled in kindergarten and two non-Romani inhabitants of Hlinné. In total, we have prepared 10 interviews. Vaňová prepared a draft of the case study, which was further revised and completed by Jarmila Lajčáková with additional desk research.

Introduction

Hlinné, with its population of around 1,800 people, has approximately 60% Romani residents. This neat and tidy village lies in the Prešov Region in the Vranov nad Topľou

district. The Vranov district has a population of around 80,000 people with an assessed share of Roma at around 14%. The district is home to approximately 43 Roma communities.¹ The municipality has very well-developed infrastructure, including a municipal kindergarten, a primary school (years 0-4), a football pitch playground, a central square, three churches (Roman Catholic, Greek Catholic and Evangelical), a restaurant, a bed and breakfast as well as agricultural and industrial zones.

Similarly to other successful localities, the mayor Milena Naštová, serving since 1989, has been the main driver of the municipal development that has also included its Romani residents. Naštová explained that she simply believed that as mayor and a member of the majority population, she had to be the first to step up and help those in need. She recalls having discussions with non-Roma questioning her policies, to which she responded *"If we do not create the conditions for our Romani residents to live better, how we can change their situation?"* Naštová warned them that neglecting the Roma cause can lead to further deterioration of the so-called Roma settlement and of the entire village. She has managed to get municipal councillors on board to support her projects and policies as well as the non-Romani residents, which did not object to the inclusion measures. There is very little political activism among Roma in Hlinné. In the past, there were up to two Romani councillors. But interviewed Romani residents were generally content with the municipal leadership expressing more concerns about their ability to find or keep employment.

Recognizing the need to address the disadvantage of its Romani residents, the municipality utilized all available state policies, using state, ESIF and its own municipal funds. The village has been listed among the 150 municipalities with the least developed Romani communities, and thus qualifies to apply for support via national projects administered by the OGPRC. The selection of Hlinné into the presumed least developed communities illustrates, in fact, the inadequacy of the index that was used as localities with significantly more challenging situations were not included.²

Saliently, the post-crisis economic growth in Slovakia has helped to create employment opportunities for low-skilled workers, greatly helping to improve the socio-economic conditions of Romani residents. There is a small UK-owned production line for the construction of chairs called Greenform in the village that employs approximately 50 Romani workers, including women. Roma from Hlinné also find employment in a company which recycles materials to produce textiles called Lykotex in the nearby town of Vranov nad Topľou. Some commute to Prešov to work in factories producing items for car manufacturers. A few Roma also work at the municipal office and the local gas station. Some that have remained unemployed participate in the workfare programme organized by the municipality. In the case study, we discuss housing, social and community services, education and Roma participation.

Housing

Hlinné has followed and in fact implemented the state policy that supports the development of social housing of so-called lower standard in villages with Romani population. This has been the state's flagship policy since around 2005. Development of such municipal housing has typically seen 75% of the support financed by the state budget, 5% financed by the municipality and another 15% should be contributed by future tenants through their work on the project.³ The municipality has been utilizing this policy as early as 2006, ranking among the first to apply for funds to the State fund

¹ *Atlas rómskych komunít na Slovensku 2013* (UNDP: Bratislava, 2013), online at: https://www.minv.sk/?atlas_2013

² Please see more information about the ESIF funding for Roma inclusion at 21-22, above. The main criterion used was the assessed density of the population in Romani communities. See critique of this approach, e.g. in Zuzana Kumanová and Miroslav Pollák, "Netreba premárniť šance", *Pravda*, 22 July 2015, online at: <https://nazory.pravda.sk/analzy-a-postrehy/clanok/362242-netreba-premarnit-sance/>

³ Jarmila Lajčáková, Zuzana Balážová and Alena Chudžíková, *Evaluation of Housing Policies in Slovakia using European Structural Funds* (CVEK: Bratislava, 2014).

for Housing Development, which has been dispersing these funds.⁴ It required significant financial and administrative investments into the legalization of parcels.

Social flats, having only Romani tenants, were distributed on a needs basis, primarily catering to people with health problems and owners of the most disadvantaged shanty houses. Over the years, the municipality has provided maintenance of these municipal homes, replacing, among other things, windows and water heaters. In fact, the village is planning major renovations of social flats for the next year. Interviewed residents of social flats as well as of individual family houses expressed contentment with the municipal approach, with one of them noting: *"decent housing is not only a certain basis for our life, but also a certain recognition by our non-Romani neighbours."*

The municipality furthermore pursued an additional strategy for the legalization of parcels to prepare building lots for individual family houses. The mayor acknowledges that in this regard the village must reflect the demographic growth and housing needs. *"We have approved a new plan of regional development, sorted out legal titles and prepared 30 new plots. In the upcoming months, we will build the basic infrastructure – water, sewage, roads and electricity. We anticipate that people will be interested to build houses by themselves – something that we are very pleased about. They all have regular income and savings accounts already and will probably be building low-energy bungalows".*

The entire area, like the rest of the village, has proper roads, sidewalks and lighting. The whole housing development lies in the area where Romani have been historically living – at the edges of the village. Newly built family houses neighbour with non-Romani residents, while the social flats are located at their very end.⁵ One of the residents half-jokingly noted that people compete to see who has a nicer backyard and garden. The municipality truly pays attention to the aesthetics of the village, ensuring, for example, that people have a common storage area for wood and coal for heating. In fact, the village was awarded with the rather popular prize of The Most Beautiful Village in Slovakia 2015.⁶

In total, the municipality has approximately built 25 social flats and provided land for 20 houses since 2008, with another 30 planned for the upcoming period. Starting in approximately the 2000s, the municipality thus managed to completely replace the old settlement and its shanty houses with almost entirely new housing, ensuring that all homes have access to municipal water, electricity and sewerage. None of these measures were easy, requiring significant leadership as well as administrative and negotiation skills on the part of the mayor. While the municipality could draw state funds (220,000 EUR) for social flats, 25% of the costs had to be topped off by the municipal budget. Similarly, the municipality drew ESIF funds for infrastructure: in total almost 6 million EUR for all projects. It also used its own municipal budget for buying and legalizing parcels for new housing developments.

Housing development in Hlinné illustrates one of the ongoing dilemmas in Roma policies. On the one hand, the mayor delivered remarkable results by palpably improving housing conditions. On the other hand, the municipality has been drawing state and ESIF funds that have not gone towards addressing the separation of the two communities in Hlinné. In fact, during the interviews, we noted that this status quo was accepted as something "natural" among all interviewed Romani and non-Romani respondents. New developments have been located in an area that Roma in Hlinné have always lived in. Drawing on our experience in numerous other localities, debates about the possible mixture of new developments, addressing certain residential segregation, can become extremely emotional. In some localities, even policies such as those pursued by Hlinné

⁴ TASR, "V Hlinnom pokračujú vo výstavbe desiatich bytov pre Rómov", SME, 30 June 2008, online at: <https://domov.sme.sk/c/3953479/v-hlinnom-pokracuju-vo-vystavbe-desiatic-hytov-pre-romov.html>

⁵ Please see at the map of the municipality online at: <http://malovanemapy.sk/mapa/hlinne.html>

⁶ Mariana Budajová, "Obec Hlinné vyhlásili za najkrajšiu na Slovensku", teraz.sk, 9 November 2015, online at: <http://www.teraz.sk/regiony/najkrajšia-obec-hlinne-anketa/165338-clanok.html>

would become ruled out as non-Roma councillors would object to any investments into Roma, even in a segregated setting. The NRIS and rules for redistribution for ESIF for the current programming period anticipates desegregation as one of the key principles.⁷ The Action Plan on Housing, however, anticipates infrastructural investments into settlements that are almost exclusively segregated or separated. At the same time, the action plan promotes the social housing model, having varying standards allowing individuals and families to gradually move forward to integrated housing.⁸ Hence, it appears the assumption that the drafters of the action plan had was that there would be gradual integration, while equally ensuring that people had access to necessities, accepting even the status quo of segregation or separation. Yet, as the case of Hlinné illustrates, there is significantly more room to bring the two communities together through education, for example, in which the municipality sees its roles especially during the pre-school age, as explained below. Education, especially through integration at an early age, could become one of the areas that could break this assumption of separations as being something “normal”. Yet, without the aid of central state agencies and partnership with surrounding municipalities, the municipality has indeed limited capacities to promote such integration in primary schools.

Social, Community and Healthcare Services

Hlinné is one of the first five localities that introduced social field work in the Vranov district (in 2004). Currently, the municipality employs four field social workers, who over the years have become an indispensable link between the more marginalized Roma and the municipality leadership. The municipality draws ESIF funds from the national project administered by the GPRC. However, the provision of this service was interrupted due to delays in fund dispersions administered to the 150 localities with the least developed communities.⁹ Hlinné has two municipal community centres. One is in the centre of the village, catering both to Romani and non-Romani children, and funded via the national project administered by the GRPC. About three years ago, the village built another in a Roma area that is also used for religious activities. This one is funded by the municipality.

At this point, we shall note that churches tend to engage with Roma, devising specialized units rather than bringing ethnic communities. Interestingly, one comprehensive study of religious activities on Roma found that there is a certain potential to promote inclusion in terms of helping to find employment or improving living standards, however, churches accept segregation of communities and do very little in bringing communities together.¹⁰ For example, the Greek Catholic Church has a special designated priest for Roma in Hlinné and another one for non-Roma. Similar is the case of Jehovah’s Witnesses, who are also active in the village.¹¹ Indeed, Hlinné has a rather vivid religious life. Roma have pursued their own church, which is currently under construction. Several have mentioned the community work of Roma scouting, led by a priest who also organized afterschool activities for children in the community centre.

As the municipality is too small to have its own healthcare facility, residents must travel to nearby Vranov nad Topľou or the municipality of Sol’. Through a national project run from Bratislava¹², there is a healthcare mediator that focuses mostly on ensuring that

⁷ Please see in more detail at 21-22, above.

⁸ Strategy of the Slovak Republic on the Integration of Roma until 2020, government resolution 1/2012 of 11 January 2012, part D.2.4 housing, tasks 2.1 and 4.1 online at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=20646>

⁹ Please see in more detail at 21-22, above.

¹⁰ Please see in more detail e.g. in Tatiana Podolinská and Tomáš Hrustič, *Boh medzi bariérami: Sociálna inklúzia Rómov náboženskou cestou* (Bratislava: Ústav etnológie SAV, 2010) at 13, online at: http://www.uet.sav.sk/files/socialna_inkluzia_romov_nabozenskou_cestou.pdf

¹¹ *Ibid.* at 36 ff.

¹² Please see in more detail in at 22, above.

children attend compulsory vaccinations and preventive check-ups. More generally, especially thanks to the good quality of housing, there are no major health-care issues.

Education

Hlinné's kindergarten is likely the most significant integration venue that bringing Roma and non-Roma together. The current capacity of the kindergarten is at around 50 children. About half of the enrolled children are Romani. The mayor explained *"we certainly do not segregate Romani children, as I believe that the main role of the municipality is to ensure children are raised together. Maybe not everyone likes it, but I know that this is beneficial for all of us"*. Hlinné promotes early childhood education from the age of three or four years. Most of the Romani children speak Romani as their mother tongue and thus learn Slovak in the kindergarten. Romani children who do not attend kindergarten or speak Slovak are thus typically enrolled into a preparatory "zero" grade. The village is among the few localities that applied in the recent call issued from ESIF to expand capacities to fully cover the needs of all three- to six-year-olds in the village. Per the headmaster of the kindergarten, enrolment of a child into pre-school one year prior to starting school is insufficient for preparation in all skills that children should have when starting grade one.

However, the primary school in Hlinné, which was recently completely renovated, has already experience so-called white flight. Out of 140 children enrolled in grades 0-4, approximately 90% are Roma. Non-Romani parents commute with their children to schools in the nearby town Vranov nad Topľov, mostly out of the belief that their children will receive a better education. The school in Hlinné has opened one special class for six children who were diagnosed as having mild mental deficiency (Variant A of special schooling). The school, which has participated in large-scale integration projects from ESIF,¹³ promotes day-long education, while most children attend school clubs and a variety of sport, science and art courses. One of the school teachers is Roma, who started initially as an assistant, then completing his university studies. Both the schoolmaster as well as the mayor believe that despite ethnic homogeneity, the quality of education is solid. The school also has an information technologies room that is open for all residents where people can have internet access. Similarly, the school's gym also serves the public, both Romani as well as non-Roma.

Children from Hlinné continue to grade five in the nearby village Sol'. The large elementary school, which enrolls 470 children, has also been experiencing white flight as almost 90% of the children are Romani. Less than a decade ago, the share of non-Romani children was at about 40%. The school has two special classes: one in grade three and another in grade five. The school headmaster Pavol Hýbala recalled that only in one case a child was re-diagnosed and moved from a special class to a regular school track. Generally, Hýbala notes that the two Romani teachers and one Romani assistant, all speaking Romani, are a very positive contribution to the education. Hýbala is content with the school results, noting that they had one student who successfully applied to grammar (high) school and several others enrolled into four-year study programmes of business, healthcare and technology. Not all children, however, manage to complete nine years of studies at the elementary school prior to age 16. Yet, in this school year the school has two classes of nine graders, which sadly is not common for segregated schools.¹⁴

Data from state testing measuring educational outcomes in Monitor 9 in Math and Slovak grade nine confirm general trends that the quality of education in the Sol' school and other predominantly Romani schools are far below average. In 2017, the School in Sol' ranked in the 6.1st percentile in Slovak and in the 2.5th percentile in Math in terms of data for Slovakia. The non-Romani schools in Vranov nad Topľou and a couple of other

¹³ Please see in more detail at 21-22, above.

¹⁴ Please see the school web site, online at: <https://zssol.edupage.org/forms/>

villages rank in the 80-90th percentiles.¹⁵ Similarly, monitoring tests in grade five reveal correlation between the quality of educational outcomes and the share of socially disadvantaged children.¹⁶

Conclusions and Recommendations

The case study of Hlinné, especially considering the overall situation of marginalized Roma in Slovakia, presents a truly positive example. The state policies funding housing and infrastructure, however, requiring enormous efforts from the municipalities, provide a path to palpable improvements of living standards. Moreover, the village belongs among the pioneers in providing social field and community services to its residents continuously, even without EU funding.

However, partly in Hlinné and especially in numerous other localities that managed to increase the socio-economic standing of Roma, we see that there is a missing element of integration between the two communities. As is the case in Hlinné, there is a residential separation between communities that municipalities often judge as reasonable. Moreover, it is rather common to have Romani and non-Romani kindergartens standing close to one another despite our belief that integration is easiest at the preschool level. In this regard, Hlinné's mayor and political leadership is doing well to promote integration in the kindergarten.

With the share of Roma at around 60%, it would be extremely challenging to convince non-Romani parents to enrol their children into the primary school, which has already experienced white flight. Parents that often work in Vranov nad Topľou simply believe that their children will be better off studying in that town's school from the very beginning, with its better scores of educational outcomes measured rather narrowly in two subjects. The situation of Hlinné illustrates that there have been no efforts from state authorities to prevent white flight, which, in our opinion has intensified over the last decade. The status quo is problematic because lower-quality schools will unlikely provide sufficient vertical mobility for Roma, despite all the efforts to improve housing and employment opportunities for, in fact, about minimum wage. Moreover, segregation of children in education will keep communities apart and will not question the status quo considered as normal.

While appreciating the enormous efforts and results of Hlinné, central state authorities should engage in more vigorous strategies in addressing anti-Roma stereotypes and prejudice and promoting integration, especially in an educational setting. We recognize that integrating schooling in localities with large excluded communities in the thousands of residents would be very challenging. Yet, in localities such as Hlinné as well as others in the proximity doing well in the region, including Zamutov, Čičava or Sol', which have large shares of Romani population but have invested into housing and pre-schooling, it would be a mistake to give up on integrated primary and secondary education. Given the size of the district and the overall share of Roma at 14%, we recommend that the central administration intervene and develop a model of desegregation for a larger geographical unit, as we recommend in our chapter on education. Desegregation at the village level, as Hlinné illustrates, is futile. This requires a model of governance¹⁷ based on the cooperation of numerous actors and careful planning to ensure that integrated schools do not pass the tipping point, causing white flight. Naturally, such a large desegregation model also requires significant investments into inclusive teaching strategies and training of personnel.

¹⁵ Please see results of Monitor's testing at <http://dataportal.nucem.sk/Dataportal-web/web/vysledky/2017/testovanie/index.xhtml>

¹⁶ Please see at 66, above.

¹⁷ Please see also recommendation in education at 82, below.

Recommendations

Governance and Overall Policy Framework

To all relevant political parties and movements

Try to join forces in addressing the complex issues associated with exclusion of Roma, preferably also by abandoning populism and harmful and stigmatizing political exploitation of the agenda.

To the Slovak Government and the Government Plenipotentiary for Romani Communities

Increase political commitment to maximize and speed up the use of ESIF for Roma inclusion and implementation of Roma inclusion projects.

In the design of the programmes, consider the negative impact of the enormous power inequalities that exist between Romani communities and municipalities. The flow of ESIF to municipalities may in fact lead to unintended consequences reinforcing these power asymmetries.

To the Ministry of Interior and the Government Plenipotentiary for Romani Communities

In partnership with Roma and non-Roma civil society as well as law enforcement authorities, try to work especially on preventive measures addressing political corruption in Romani communities, and ideally prior to the communal elections in 2018.

To the Government Plenipotentiary for Romani Communities

Work with relevant experts and civic associations to include intersectional perspective considering the particularly vulnerable situation of women, children, youth, LGBTI and people with disabilities within Romani communities into approved action plans and at least the most relevant major projects using ESIF.

Antidiscrimination

To the Slovak Government

Reinforce institutional structures to tackle discrimination. Build an effective Equality Body that will be able to tackle both institutional discrimination (such as those identified in this chapter) and discriminatory policies of municipalities as well as to provide timely aid to the victims.

Establish a fully autonomous body outside the structures of the Ministry of the Interior to investigate complaints of alleged ill-treatment by police officers, including complaints with a possible racial motive.

Adopt measures to prevent harassment and victimization of victims during police investigation.

To Local Self-Governance and relevant Governmental Agencies

Stop forced evictions of Roma, and ensure that any evictions are as a measure of last resort and undertaken in compliance with Slovak and international law, ensuring alternative accommodation.

Create an early warning system for potential victims of evictions and provide access to legal aid.

Ensure that Roma, especially in separated and segregated settlements, have access to safe and clean drinking water and sanitation.

Antigypsyism

To the Slovak Government and the Government Plenipotentiary for Romani Communities

Incorporate the concept of antigypsyism into government policies related to Roma as well as discrimination and xenophobia more generally.

Prepare, in partnership with experts and Roma and pro-Roma civil societies, a methodology for fighting against antigypsyism that can be implemented into the legislative documents.

Education

To the Ministry of Education, Science, Research and Sport and the Slovak Government

Drawing on the lessons learned in the Czech Republic, adopt a gradual reform of special schooling in stages, starting with changes of diagnostics based on needs, not deficiencies, to be provided for children with special needs in regular school with relevant funding legally guaranteed to regular schools.

Prepare a plan of governance and monitoring of spatial desegregation in geographical areas that would allow the integration of Romani children, i.e., towns or micro-regions where the share of Roma is below 10%. Start implementation of several pilot localities to develop a model of coordination among key stakeholders and provision of supportive services.

Heavily focus on the support of quality early childhood education and care of especially vulnerable children, including Romani from age 0+. Aside from compulsory pre-schooling from the age of 5, introduce a model whereby children would be legally entitled to a place in a kindergarten from the age of 3, accompanied by sensitive outreach programmes to disadvantaged parents.

Adopt measures to ensure that all children can successfully complete their elementary education at primary schools by the age of 16. Propose and adopt measures that would ease for Romani students' transition to regular secondary schools, which would replace the segregated vocational secondary schools built.

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Bodvou a o nesúhlase s neprijatím opatrení na ochranu základných práv a slobôd fyzických osôb a právnických osôb pri vykonávaní policajných zásahov a osôb, ktoré polícia predviedla na policajné oddelenia s nevyvodením dôsledkov za porušenie práva, document no UV-32378/2013, 8 January 2014, online at:
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